REPORT OF THE ATTORNEY GENERAL'S COMMITTEE

ON IMPAIRED DRIVING

JUNE 1983

Winnipeg,

June 17,1983.

The Honourable Roland Penner, Q.C.,
Attorney General of Manitoba,
Winnipeg.

Dear Mr. Minister:

I have the honour of submitting, herewith, the Report and Recommendations of your Committee on Impaired Driving.

Yours respectfully,

John D. Montgomery, Q.C.,
Chairman.

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INTRODUCTION

The Committee

On May 10, 1982, the Attorney General informed Members of the Legislative Assembly of Manitoba that he had appointed a Committee to investigate ways of significantly reducing the incidence of impaired driving. The Committee, to be chaired by J. D. Montgomery, Q.C., General Counsel in the Department of the Attorney General, included Deputy Chief John Urchenko and Staff Sergeant Robert Taylor, both of the City of Winnipeg Police Department, David Cruickshank, the Executive Director of the Alcoholism Foundation of Manitoba, D. Kirkpatrick, Chief Inspector of the Liquor Control Commission of Manitoba, Larry Jocelyn of the Manitoba Hotel Association and Dr. John Rock of the Manitoba Society of Criminology (Project Prevention).

Subsequently, the Committee was expanded to include Professor Rod Yellon, Department of Political Studies, University of Manitoba, Peter Dygala, former Registrar of Motor Vehicles for the Province of Manitoba, Rod Shannon, L.L.B., of the Department of the Attorney General and David Sherlock of the Alcoholism Foundation of Manitoba.

The Committee's Mandate

The Committee was instructed to examine innovative ways of preventing persons from driving while under the influence of alcohol or a drug to an extent which impaired their ability to drive; to explore every avenue to reduce the amount of drunken driving; and further, to consider suggestions made by citizens concerned with the problem of impaired driving.
(The full text of the Ministerial Statement on Impaired Driving is found in Appendix A)

PART ONE: THE PRELIMINARY REPORT

In a preliminary report submitted to the Attorney General on May 9, 1983, the Committee attempted to define the nature and scope of the impaired driving problem; further, to indicate the rationale for the ultimate recommendations. The text of the preliminary report, with only slight modifications in the section dealing with public education, is reproduced in this Part. It is hoped that it will afford an insight into some of the Committee's concerns and that it will also provide useful background information.

Dear Mr. Minister:

> <u>If Society is really serious about traffic safety, it may well soon be forced to balance the price of less freedom in the choice of who drives as a realistic cost of fewer tragedies</u>.

As a prelude to our recommendations, the members of your Committee would like to share with you some of the things that we have learned, over the past several months, about the nature and scope of the impaired driving problem; further, some of the issues with which we have wrestled in formulating our attack.

Two of the most pervasive customs in our society are driving and drinking. Nothing in contemporary society suggests that either can be expected to subside in the foreseeable future. Moreover, the structure of our living patterns encourages driving as an adjunct to drinking. A large portion of the drinking, particularly heavy drinking, goes on at places distant from the drinker's own hearthside; and most people depend upon the private automobile in getting to and away from the drinking places. As a result, the practice of driving after drinking has deep, tenacious roots.

In our grandfather's day, the drunkard bore the mark of disgrace or infamy. Today, very little moral stigma attaches to drinking; even heavy drinking is likely to be generally condemned only in cases where undesirable consequences result; and although there may be some moral distinction between light and heavy drinking, who knows when he crosses the line?

The moral basis of condemning much drunkenness is being eroded away as alcoholism becomes more widely accepted as a disease. One effect of this is, of course, to evoke expressions of sympathy toward alcoholics rather than indignation.

Our current social mentality militates against effective control of drinking drivers. A significant reduction in their numbers would require drastic changes in public perception. Such a change could come about, however, by convincing the general public that drinking drivers are so dangerous that the practice connotes culpable disregard for either moral or intellectual standards of acceptable behaviour.

Alcohol has a predictable, progressive, deleterious effect on essential driving skills. Continued drinking impairs integrated reasoning and judgement, then motor processes, then memory and rational behaviour. The risk of a traffic accident increases geometrically as the driver's blood alcohol content increases. Likewise, the seriousness of the resulting accident tends to increase as the blood alcohol content increases.

The problem of responding to the impaired driver phenomenon has been left largely to the criminal justice system. Experience has demonstrated, all too graphically, however, that our judicial process, to date, has been unable to arrest the ever-increasing incidence of impaired driving. The literature, teeming with statistical data, confirms this assertion. The United States Department of Transportation has described the situation as a "crisis demanding a prompt and effective remedy".

There are many proponents of more stringent criminal sanctions as the antidote. Throughout the world, people concerned with the problem of drinking and driving have absorbed the impression that in Scandinavia, particularly in

Norway and Sweden, that the problem has been controlled by means of law. We have considered these laws. The impression, we believe, may be fairly characterized as the "Scandinavian Myth".

There are, as well, many proponents of the treatment approach. They contend that punishment has proven ineffective because it does not attack the underlying cause of impaired and drunken driving which is so often the excessively abusive use of alcohol.

We have studied and attempted to evaluate both punishment and treatment approaches. We see merit in both.

We are all of the view that our Criminal Courts can offer but a partial solution to the impaired driving problem.

Researchers from round the world on alcohol abuse and authorities in the traffic safety field contend that society's general acceptance of drinking and driving is the main obstacle to solving the impaired driving problem. They contend that before significant and lasting reductions in alcohol-related traffic crashes can occur, long term, continuous educational commitments must be made by governments, educational institutions and the general public.

Our recommendations will reflect our belief that public education is a vital countermeasure.

We recognize that drinking and driving has created horrendous social problems which cannot be remedied by government services alone; that it is a major responsibility for the general public. Fortunately, grass-roots groups of concerned citizens are springing up across the nation. Their aim is not to stop people from drinking, but to stop them from drinking and driving. With

their help, we just may be on the threshold of a new era of attitudinal change toward drinking and driving and a lessening public tolerance for such behaviour.

We have considered many different types of drinking-driving countermeasures aimed at reducing the alcohol-traffic problem.

Some countermeasures are geared toward specific or individual deterrence; others toward general deterrence. Specific deterrence focuses on reducing the recidivism rate of convicted traffic offenders while general deterrence is concerned with discouraging the driving population as a whole from drinking and driving. Countermeasures can also be separated into alcohol-specific and non-alcohol specific measures. Raising the legal drinking age is an example of an alcohol-specific measure but only an indirect drinking-driving measure.

Many countermeasure programs consist of:

(a) public education programs;

(b) laws and enforcement programs; and

(c) rehabilitation countermeasures.

Current educational countermeasures consist primarily of mass media campaigns that attempt to inform the public of the dangerous effects of alcohol and to persuade persons not to drive after drinking.

Laws and enforcement countermeasures consist of both new legislation against drinking and driving and of enforcement of already existing laws.

Rehabilitation countermeasures include a variety of driver-safety courses, problem-drinker therapy sessions and participation in the activities of such organizations as Alcoholics Anonymous and others.

There are many good impaired driving programs in place throughout the world. There is little new to be created. Each program has a common goal: to effect changes in drinking behaviour which could produce a marked reduction in the incidence of alcohol-related fatal and injury crashes.

This Committee has endeavored to gain an insight into many of these programs. We have attempted to discover the overall effectiveness of those which we have examined.

Our recommendations will be based, in part, upon a distillation of what we perceive to be the best of many of these programs coupled with some innovative ideas of our own.

But before turning to specifics, we allude to a concern which permeated our formative discussions, namely, 'is driving a right or a privilege?'

We say, unequivocally, that driving an automobile is a privilege, not a right; further, that for those who abuse the privilege, much greater sanctions are required. Our recommendations will reflect our collective contention that if the driver does not comply with the rules, he must be removed from the road temporarily, and, in extreme cases, permanently.

In this context, as in respect of all our proposed recommendations, we have been vitally aware of the provisions of the Canadian Charter of Rights and Freedoms.

Parliament has clearly indicated that the rights and freedoms guaranteed are not absolute and are subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

If the rationale behind a law is the reduction of the appalling death and injury toll caused by drunken drivers, then, in our view, such law cannot be legitimately attacked on the footing that it could place an unreasonable limit on the liberty of the subject.

In Regina v. Altseimer, a judgement of the Ontario Court of Appeal (delivered on September 28th, 1982) the Court was concerned with the constitutionality of the compulsory breathalyzer provisions of the Criminal Code. The Court noted that the Charter was not intended as a transformation of our legal system or the paralysis of law enforcement, and that extravagant interpretations could only trivialize and diminish respect for the Charter which is part of the supreme law of the country.

We profess no expertise in Charter interpretation. Nevertheless, we believe that the Charter does not guarantee an inalienable right to drive. We believe that driving is a privilege not a right. Our recommendations will reflect this assumption. We do believe that the population in general has a right to be protected from the violent accidents that often accompany drinking.

Might we now apprise you of the specific elements of our study. Firstly, Public Education and Information:

Public information campaigns against drinking and driving were among the earliest countermeasures in the United States. The National Safety

Council's slogan, "If you drink, don't drive. If you drive, don't drink." was in vogue all over North America in the 1930's. Since then, mass media public education efforts have been undertaken by a variety of government agencies and other organized interest groups. Such diverse organizations as the National Highway Traffic Safety Administration, the National Institute on Alcohol Abuse and Alcoholism, General Motors Corporation, the Distilled Spirits Council of the United States, Allstate and other insurance companies, and the Foundation for Traffic Safety of the American Automobile Association have all been involved in public education programs focused on alcohol and traffic safety.

The rationale behind all of these informational programs has remained intact and significantly unchanged for decades. The same theme recurs year after year as evinced by this typical statement heralding a program back in the '40's:

> "Again, lack of public consciousness of the problem (of drunk driving) has been a significant influence in delaying the establishment of effective countermeasures ...
>
> The fact that only a segment of the populace, in all probability, is fully aware of the grave seriousness of the intoxication problem in its relation to motor vehicle accidents has had a pronounced effect upon legislator, police officer, prosecutor, judge and jury."

Many researchers have stressed that "the exceptional value of a general education program should not be overlooked".

Public information campaigns today are still based on this rational appeal and still assume that people are unaware of the drinking-driving problem.

Such assumption, however, may well be somewhat erroneous. The Committee notes, with gratification, an ever-increasing public awareness of the drinking-driving problem in Canada at this very hour. CAID (Citizens Against Impaired Driving) in Manitoba, MADD (Mothers Against Drunk Drivers) in British Columbia, PAID (People Against Impaired Driving) in Edmonton and PRIDE in Ontario are steadily recruiting new members. The emergence of such community action groups attests to the fact that more and more Canadian citizens are becoming aware of and alarmed by the problem.

We see the members of these organizations playing a vital role in many countermeasure programs, particularly in the field of public education.

We have learned that the proponents of many public information campaigns proceed on the assumption that once the public is made aware of the negative consequences of combining drinking and driving, it will make a rational decision not to engage in this behaviour.

This contention is mirrored in an excerpt from an Addiction Research Foundation Paper of Ontario which asserts that:

> "There are a variety of activities which can be undertaken... Each is based on the belief that people are rational and capable of weighing the personal, financial, legal and perhaps medical consequences of breaking the law
> ...
>
> The problem we are learning, is that most people are uninformed or misinformed about these issues. And a necessary condition for deterrence is that people must be aware of alcohol's effect on driving ability and must know the law pertaining to drinking and driving. Individuals must accurately perceive the seriousness of the offence and

must be aware of possible sanctions for deviant behaviour.

> It is the lack of awareness which has prompted increased activity in the area of drinking-driving education. The main objective, of course, is to make people more knowledgeable so that they choose not to drink and drive."

This Committee does not accept the premise that once the public is made aware of the negative consequences of combining drinking and driving, it will necessarily make a rational decision not to engage in this unacceptable behaviour.

Unfortunately, public information campaigns, even more than other types of drinking-driving countermeasures, have only rarely been subjected to scientific evaluation; thus, little is known of their impact on the drinking-driving problem. While some programs have been able to demonstrate improvements in knowledge and attitude concerning drinking and driving, no study to date has produced any evidence that public information programs alone reduce traffic accidents or injuries.

We believe that public information is a condition precedent to attitudinal change, at least among moderate drinkers and, to a lesser extent, among high risk or excessive drinkers. Different programs must be implemented, we believe, for the chemically dependent impaired driver. For those in this latter category, that is, for those who suffer from the disease of alcoholism or chemical dependency, we are extremely skeptical as to the likelihood of much success with informational programs per se. We will discuss the chemically dependent impaired driver in detail under the topic of Treatment when we consider the intervention program of the Alcoholism Foundation of Manitoba.

We believe, however, that public education can have considerable impact on public behaviour. Such programs, however, need to focus on learning opportunities rather than simple information dissemination. They require extended effort with an emphasis on participation. Examples of effective public education are exemplified by the "Participaction" and "Conservation" programs, which focus on attitude as well as information.

We do not minimize the value of the public information program as a countermeasure. In fact, we endorse it; but we add a note of caution. We believe that if it is to have real impact, it must be used in conjunction with other countermeasure weapons in the battle against the impaired driver and must indeed be an education program and not a mere information program.

The second phase of our study encompassed Laws and Enforcement Programs:

Researches have repeatedly demonstrated that the risk of apprehension is a greater deterrent to drinking-driving than the legal and social consequences which follow notwithstanding the fact that the latter are necessary for the former to remain effective.

We are convinced that if the public perception of the level of enforcement and the risk of arrest is low, the law cannot adequately function as a general deterrent to drinking and driving.

There seems to be universal agreement that one of the most effective deterrent measures is increased police capacity to detect drunk drivers on the highway. Increased police presence during late-night hours, particularly in areas of high incidence of impaired driving offences, is effective because the perceived possibility of arrest is markedly increased. Alas, any such measure

requires substantial additional funds and manpower.

The recently retired head of the Winnipeg Police Traffic Division said on April 21, 1983:

> "Winnipeg Police are providing token traffic enforcement because of a serious manpower shortage. Forty more men are needed to raise the 59-member traffic unit to sufficient strength to carry out a proper enforcement program."

That police presence has been severely curtailed across the nation because of budgetary restraint is self-evident.

Nevertheless, we say that token traffic enforcement is totally unacceptable.

> <u>If society is really serious about traffic safety, it might soon be forced to balance the price of more policemen as a realistic cost of fewer tragedies</u>.

Perhaps our submission should be rephrased in more prosaic terms.

We are going to war against the drunk driver. It costs a lot of money to wage a war. Manpower, plant and equipment to get the drunk driver off the road will cost a lot more money than we have been prepared to spend to date. We would urge Government (municipal, provincial and federal) to reallocate funds sufficient for this program.

We are not unmindful of these tough economic times and tight money.

We are also not unmindful that, unlike most crimes, the victim of the drunk and impaired driver has no way of protecting himself.

Tax dollars responsibly redirected might well afford the potential victim a much greater measure of protection than he is getting at the present time.

See Appendix E.

Law Review:

While we are aware, Mr. Minister, that you can initiate legislation only in areas which fall within provincial jurisdiction, we want to express our concern about a matter which falls within federal jurisdiction. The Committee is of the view that there is a crying need for mandatory testing of bodily substances in impaired driving cases. We therefore recommend that you, as the Attorney-General of Manitoba, express our concern to the Minister of Justice for Canada in the hope that Parliament could address this issue expeditiously and amend the Criminal Code to enable bodily substance testing to take place. We expand upon this topic later in our report. (see Appendix B)

The Province of Manitoba undoubtedly has the right to regulate highway traffic and, for that purpose, to licence persons to use the highways. The right to licence also entails a right to restrict and, when necessary, to revoke the licence.

Our review of the Highway Traffic Act as it relates, directly and indirectly, to impaired driving deterrence, has persuaded us that amendments are necessary, particularly in the area of licencing.

The most prevalent and widely used santion for drinking and driving is the revocation or suspension of the driver's licence. A great number of American states make suspension of the driver's licence a mandatory penalty for

driving while intoxicated. (De-licencing action is mandatory upon first conviction for drunken driving in forty-five states and the District of Columbia. It is discretionary in only five states.) The fear of the loss of the driving privilege may have a significant deterrent effect on the social drinker. However, it has little effect on the alcoholic or problem drinker who continues to drive despite the loss of licence. A 1970 California study indicated that two-thirds of all drivers with revoked permits continued to drive (some as many as ten times or more) during periods when their driving privileges were revoked. In addition, most states failed almost entirely to take any practical steps to enforce licence revocation.

A study commissioned by the Canadian Conference of Motor Transport Authorities revealed that the "threat" of suspension of driving privileges is a most powerful deterrent against unsafe driving practices, including driving while impaired. It revealed, further, that the effectiveness of the suspension sanction is, in part, determined by several factors, the most significant being public perception of risk of apprehension and awareness of the penalties to which the driver may be liable. To the extent that public perception of risk of apprehension and subsequent conviction is low, and that penalties usually imposed are relatively insignificant, the effectiveness of the licence suspension deterrent is greatly diminished.

Attempts have been made to ascertain the magnitude of disregard for the prohibition against driving while suspended, most notably by California and Manitoba. Unfortunately, Manitoba's study was not fully completed; nevertheless, preliminary data tended to confirm California's findings. Those findings showed that between 60 to 70 percent of suspended drivers continued to drive, some constantly, some periodically. What is perhaps even more significant is the fact that the majority was composed of drivers whose licence was suspended for one or more serious driving infractions - <u>usually for</u>

impaired driving. Manitoba's preliminary data showed a violation rate above 50 percent, nearly 80 percent having lost their licence for a Criminal Code violation. A significant number of the suspended drivers were apprehended by police because of unsafe driving practices induced by their impaired condition.

The "threat" of suspension of driving privileges appears to have a greater deterrent effect than the act of suspension itself. The Canadian Conference of Motor Transport Authorities concluded that this was, at least in part, because of the relatively modest penalties usually imposed for driving while suspended. Invariably, the first-time offender is fined an amount which oftentimes is less than the additional insurance premium he or she would be required to pay for the demerit points amassed by the driver. Moreover, if, as appears highly probable, the driver's perception of risk of getting caught is low - say once a year - then the fine to which he is liable fails totally as a deterrent. Indeed, the offender may actually gain by paying less for the fine than the insurance surcharge on drivers with ten or more demerits.

For these reasons, the Committee has formulated recommendations directed specifically at the suspended driver. If the recommendations are adopted, suspended drivers would be split into two categories. The first category would contain those suspended for nonpayment of fines or multiple minor traffic offences such as speeding, failure to come to a complete stop at stop signs, etc. Penalties for drivers in this category, convicted of driving while suspended, would remain as they are presently in the Highway Traffic Act. The second category would contain those drivers whose suspension resulted from alcohol-related driving offences or for driving while suspended. Penalties for drivers in the second category who are convicted of driving while suspended would be increased considerably.

The Licence Suspension Appeal Board (L.S.A.B.) was the subject of much discussion. The Committee was of the view that the criteria considered

before a suspension is revoked must be tightened up. At present, a suspended driver must show that he will suffer "exceptional hardship" if he does not have his suspension revoked and that it is not against the public interest to revoke the suspension. There are several members of this Committee who are aware of "exceptional hardship" being interpreted to mean that a suspended driver may have to take the bus to work or being required to ask a friend to assist in getting groceries or transporting the suspended driver to a social function. We recommend, therefore, that the words "exceptional hardship" be defined in the Highway Traffic Act so as to limit applications to those who must drive during the course of employment and/or to and from work where no other means are available. If the criteria are met, a restricted licence may be issued for these purposes only.

The Committee has also considered the appeal available from the L.S.A.B. to the County Court. As it is presently constituted, the appeal is nothing less than another kick at the proverbial cat for the suspended driver. No other province has an appeal from its L.S.A.B. and there has been no indication of a deficiency in their procedure which gives rise to injustice. There is also evidence of a high rate of recidivism of impaired driving amongst those having their suspension revoked at the County Court level. For these reasons, we will recommend that appeals to the County Court from the L.S.A.B. be abolished.

In the area of treatment, we will be discussing a recommendation that requires mandatory screening and follow-up before any driver convicted of an alcohol-related driving offence could have his licence reinstated. Such a recommendation must also indicate that no suspension can be revoked by the L.S.A.B. unless the suspended driver gives an undertaking to comply with the screening and follow-up procedure. Subsequent non-compliance with the commitment would result in the licence returning to its suspended

status. This will ensure that no drivers convicted of an alcohol-related driving offence and seeking to be relicenced will slip through the screening and follow-up "net" by using the L.S.A.B.

The Committee has also considered the relationship between the L.S.A.B. and those drivers with multiple convictions for drinking offences and driving while suspended. It is our view that a driver with multiple convictions of this nature has shown that he or she is either not prepared to drive in a responsible manner or has a problem which has not been conquered. For these reasons, we feel that there should be no right to make application to the L.S.A.B. in these cases even if loss of employment is a probable consequence. These are drivers who, given any opportunity to drive, may place members of the public in unwarranted danger.

There are provisions in the Highway Traffic Act which allow a Provincial Court Judge to issue a temporary licence to a person convicted of an offence which results in automatic suspension. The purpose of the temporary licence is to allow the convicted driver time to appeal the conviction or to apply to the L.S.A.B. to have his suspension revoked. In the past, these have been given almost as of right and the Committee feels that this constitutes an abuse. A recommendation has been made to limit this procedure to situations where the convicted driver can show that he needs a licence for driving during employment and/or to and from work where no other means is available, thereby bringing it into line with the type of restricted licence which may be issued by the L.S.A.B. (provided the earlier recommendation is adopted).

The Committee has discussed other areas of the Highway Traffic Act in an effort to tighten up sections which may, directly or indirectly, reduce the incidence of impaired driving.

We have recommended that any person who allows another, whom he knows is suspended, to drive his vehicle should have his vehicle impounded for 90 days. The Committee felt that this was a conscious, flagrant act of disrespect for the law and in the absence of a reasonable excuse demanded a severe penalty. It is felt that the threat of impoundment of the vehicle would be a strong deterrent to those inclined to commit this kind of offence.

There have been many examples in the past of suspended drivers who have rented vehicles to drive or continued to drive vehicles at work when suspended. This often occurs because driver's licences are not surrendered at the time of suspension. To ensure that suspended drivers will not have ready access to rented vehicles, we have made a recommendation that requires vehicle rental companies to ensure that their customers hold valid driver's licences. The Motor Vehicle Branch would supply the information to those companies on a 24 hour basis. The obligation would be very easy for rental companies to fulfill. For that reason, the recommended penalty is very severe should a rental company rent a vehicle to a suspended driver. The recommendation is worded so as to require employers who hire drivers to proceed in an identical manner, and also requires employers to make periodic checks during the course of a calendar year to determine the status of all employed drivers.

The last phase of our study concerned: Treatment For Problem Drinking.

We faced a perplexing paradox.

A paradox which has been confronting policy-makers and practitioners alike in their efforts to deal with public problem drinkers is that of recognizing the condition of alcohol-related offenders as both a misdemeanor and a disease.

In 1967, the President of the United States appointed a Commission on Law Enforcement and Administration of Justice. Drunkenness offences were studied. It was concluded that the public drunk should no longer be treated as a criminal unless he is disorderly or engages in other criminal conduct such as driving while intoxicated.

The Commission's position, succinctly put, was that when an alcoholic commits a criminal act while intoxicated, not only should the act be punished but an effort should be made to rehabilitate the offender. If, however, he is unwilling to be rehabilitated, then he should be prevented from committing the prohibited act again.

In Powell v. Texas, 88 S.C.T. 2145 (1968), the Supreme Court of the United States held that, while it is improper to punish for the status of alcoholic or the disease of alcoholism, it is appropriate to punish affirmative, criminal actions committed while under the influence of alcohol.

The relationship of alcohol to vehicular death and injury has long been recognized as a serious health and social problem. There are those who argue that the criminal structure is not a particularly effective means of dealing with what is largely a "health problem". Others contend that the

effective solution to the drunk driver crisis lies in mandatory gaol sentences. The traditional punitive approach has failed, it is often contended, because of its inability to reach the core of the problem - the disease of alcoholism.

Nevertheless, drinking drivers are involved in the legal process. The death and destruction caused by drinking and driving and the high rate of recidivism require the Courts to deal with the problem.

The problem of impaired driving is sufficiently complex and serious to require an effective, comprehensive response to one of its major underlying causes - unidentified problem drinkers in need of treatment.

We are unanimous: An effective treatment program must be developed as an integral part of our attack on the impaired driving peril.

We have studied many research reports, scholarly treatises and much statistical data on the pros and cons of Punishment vs. Treatment. We spare the reader the chore of reading a lengthy synopsis of this research. We have endeavoured to profit by the invaluable experience contained in the literature. Our proposed treatment program is based, in part, on the well-documented experience of other jurisdictions.

A report of the United States Highway Safety Research Institute reviewed ten published accounts of court-related alcohol treatment programs in the United States over a period of twenty years. The programs were assessed for their success as based on the following criteria: reduction in the number of arrests, number in treatment for full length of program, improvement in drinking pattern, family and social adjustment, occupational adjustment, and physical status. The report indicates that the review "consistently indicated that court-related treatment could be successful for at least half the clients seen."

Guy O. Kornblum, Assistant Dean of Law, University of California, San Francisco, wrote:

> "Any program for enforcing 'driving while intoxicated' laws should recognize that the social drinker must be treated differently than the problem drinker. Methods should be devised so that the judge has the flexibility to emphasize punishment and education for the former and rehabilitation and education for the latter."

The treatment program this Committee proposes acknowledges a different treatment approach for the different categories of impaired driver, namely:

(1) Chemically dependent impaired drivers (25 - 30% of impaired drivers);

(2) High risk or excessive-deviant drinkers who have been convicted of an impaired driving offence (70 - 75% of impaired drivers); and

(3) The lower risk or moderate drinker (for whom there is a low probability of driving while impaired).

We have not confined our deliberations to a review of the literature. We have talked to many, many persons who have alcohol problems and many who have had personal experience with drugs and alcohol. Without exception, they enthusiastically endorse the concept of constructive treatment programs.

In this context, we note with interest, that many who have had unfortunate personal experience with alcohol and non-medical drugs are the most vocal proponents of stronger penalties.

One articulate spokesman, who has served more than one prison sentence, beseeched us to "stop cheating the accused -- by forgiving him and by covering up for him -- for once, give him a chance to deal with his problem", was the clear admonition.

Inherent in our recommendations is the concept of constructive coercion. Hopefully, the Committee has benefited from listening as well as from reading.

> If society is really serious about traffic safety, it might soon be forced to balance the price of extensive treatment programs as a realistic cost of fewer tragedies.

In 1975, the General Assembly of Virginia enacted legislation which provided for the creation of the Virginia Alcohol Safety Action Program, a novel rehabilitative approach to the drunk driving problem. The legislation authorizing V.A.S.A.P. did not affect the availablility of the more traditional penalties for drunk drivers; judges were still empowered to impose fines, gaol sentences and suspend driver's licences. The authorizing statute set a fee of $150.00 in 1975 which the defendant had to forward to the Highway Safety Division for implementation of the statewide program. In 1976, an amendment raised the maximum fee to $200.00 and allowed local jurisdictions to retain almost all of the monies paid by V.A.S.A.P. participants. Localities now forward only $20.00 of the participants fee to the highway Safety Division.

The prevailing notion among many of the judges seems to be that "if they can afford to drink and drive, they can afford to pay $200.00 for rehabilitation".

In Florida, clinics for the intoxicated driver are operated through various organizations such as county commissions, safety councils, alcohol centres and community colleges. Most are self-supporting, because they require the offender to pay a fee. (Federal funding is also available for such programs.)

In Virginia, for those alcoholics who require more extensive treatment, the defendant may be required to provide funds beyond the initial $200.00.

The treatment program we advocate will cost a great deal of money. The Committee subscribes to the view that "if they can afford to drink and drive, they can afford to pay ... for rehabilitation".

Our recommendations include a proposal that the cost of rehabilitative programs must be borne, in part at least, by those convicted of impaired driving.

The Alcoholism Foundation of Manitoba was created by an Act of the Legislative Assembly of Manitoba in 1956.

Section 4(2) of the present Statute (Manitoba Statutes Cap. A60) provides:

"4(2) For furtherance of its aims and objects, the foundation may

(a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of, and consultation with individuals with chemical dependencies."

The Committee regards the Alcoholism Foundation of Manitoba as the appropriate vehicle to oversee a much expanded treatment program.

We urge that serious consideration be given to an expansion of the existent second offenders (most likely chemically dependent) intervention program to include all areas of the Province.

We suggest that the Foundation develop programs within and for the Correctional System throughout the Province for persons who are incarcerated for alcohol offences or alcohol-related offences, the most prevalent of which is impaired driving.

We are all of the view that the Foundation should operate a first offenders program for the high risk or excessive-deviant drinkers who are convicted of an impaired driving offence. We contend that an effective program would necessitate not less than eight informative re-educative sessions designed to effect a change in participant attitudes with regard to drinking and driving.

We see a vital need for an expanded Alcoholism Foundation Intervention Program. Research indicates that because 70% - 75% of all impaired drivers fall into the high risk category, they must, of necessity, be the main target of any program activity. The rationale is as follows: though not as yet chemically dependent, these drivers are already experiencing some serious health/social/economic consequences of their high level of alcohol consumption. In that they are not "chemically dependent" per se, they will not require rehabilitation at this time but will need a prevention initiative in the form of an informative re-educative program. Experience dictates that if any measure of success is to be achieved, two-hour sessions on at least eight occasions is mandatory to effect the desired attitudinal change with regard to drinking and driving. The thrust of the program would be towards the desired behavioral change (i.e. separating the drinking from the driving). With the implementation of this program (secondary prevention), all impaired driving offences would be referred (without prior diagnosis) into the same program.

Many (probably most) of the "chemically dependent" offenders would be identified through this intervention program, and routed to a rehabilitation program. Those chemically dependent persons would then be required to complete the program when they had finished the three week treatment program, in addition to this educative program.

The aforementioned program can be referred to as an intervention program. This means that it is designed to intervene and redirect people who are at risk with chemical consumption, or who are already dependent. For those who are in fact dependent, the intervention program is based on the disease concept of alcoholism which includes in its philosophy that persons who are experiencing problems with chemical consumption, or are in the addiction process, suffer from extreme denial handicaps which are always symptomatic. Alcoholism or Chemical Dependence, always requires a form of coercion as part of the intervention process leading to behaviour modification or treatment. Without, in most cases, very strong coercion, there is little hope for a change in attitude. This program would afford the opportunity to coerce drivers into seriously looking at their situation and their future.

PART TWO: THE PROPOSED APPROACH TO THE PROBLEM

Preface

Transport Canada reports that, during 1981, there were 5,370 traffic fatalities in Canada.

198 of these victims were Manitobans.

The statistician systematically collects these numerical facts.

The personal anguish and sorrow, the havoc and devastation to the victims' loved ones cannot be collated, compared and measured by statisticians.

And yet, the senseless slaughter of our most precious resource goes on, unabated.

Researchers contend that one half of all automobile deaths are alcohol related. If this is so, many victims would be alive today if drivers had heeded the admonition "If you drive, don't drink. If you drink, don't drive."

The Committee is under no illusion that its proposed approach to the problem will guarantee an immediate reduction in the incidence of impaired driving. Nevertheless, it is believed that, through programs of public education in combination with extended treatment and enforcement programs, an effective attack on the impaired driving problem can be mounted - Provided That All Manitobans Get Involved.

No longer can we, as members of the Manitoba Community, leave it to the police or governments to try to find a solution to what is our problem.

The Committee's response to the problem, then, is encompassed in programs of public education and treatment, legislative change and increased enforcement.

A. PUBLIC EDUCATION

An on-going campaign of public education is an important element of any program aimed at a reduction of the incidence of impaired driving. Experience in Canada and elsewhere has shown that by themselves, tougher penalties and increased enforcement can have at best only a temporary and limited impact. Public education is a key factor to be considered in a provincial program which seeks to reduce impaired driving.

If it is true that only 1 in 2000 impaired drivers are actually apprehended, Manitoba's 6000 annual arrests suggest that there are over 12,000,000 incidents of impaired driving in this province every year. In addition to explaining changes in law and enforcement practices, the major objective of this public education must be to address the cavalier attitude that these 12,000,000 incidents suggest.

The Committee perceives an on-going <u>education</u> program (not to be confused with a public <u>information</u> program) to be an essential element of an overall program aimed at reducing the incidence of impaired driving. Such a program should however take note of the fact that while appropriate information dissemination will influence the decisions of some individuals, there must also be <u>public education</u> which focuses on attitude change and mutual effort to reduce impaired driving. Public education involvement programs such as "Participaction" and "Conservation" have demonstrated that public opinion can be altered in a positive way. Other examples more directly related to the issue are the Safe Graduation Programs operated by high school students in order to ensure that drinking and driving accidents do not mar this important event.

There are many corporations, government departments and private organizations in Manitoba that have an interest in public education about drinking and driving. Many of these groups are already involved in specific activities. Several examples are included in Appendix F. In addition to these groups, there are many individual citizens throughout Manitoba who, if given encouragement and support, are more than willing to organize and implement their own education activities in their own communities and neighbourhoods. It is this Committee's belief that the involvement of these many groups and individuals is a positive development that should be encouraged as much as possible. The Committee further believes that these various interests can have the greatest impact if these groups and individuals can be brought together in a common effort.

The target group for this public education should include all Manitobans. While education for young people is certainly important, three-quarters of those arrested for impaired driving are no longer youngsters. Impaired driving is a crime that touches each one of us and this public education must be there for all.

The committee has three major recommendations for public education. The first and second focus on the basics for involving as wide a cross-section of Manitobans as possible in a common effort to reduce impaired driving. The third outlines several specific activities that should be carried out by government departments.

1. A Central Facilitating Committee should be established and should include representatives from all groups in the province that have a stake in public education about impaired driving. The function of this Committee would be to share ideas, encouragement and resources and, when necessary, to coordinate the implementation of activities. The Committee should be chaired by a body such as the A.F.M. and

include representatives from organizations such as the Brewers, Distillers, Wineries, Soft Drink Manufacturers, Manitoba Hotel Association, Manitoba Liquor Control Commission, Manitoba Health Services Commission, Department of Education, Citizens Against Impaired Driving, Manitoba Association of School Trustees, Police, Autopac, Motor Vehicle Branch, Attorney-General, University Student Associations, Restaurant Association, Broadcasters Association, Newspapers, Legions, the Manitoba Medical Association and the Manitoba Safety Council.

2. To help tie together the activities of the individual members of the central Facilitating Committee, a single theme should be developed and its use promoted by the Committee. At present, we are suggesting the theme "We Care" as it is in keeping with the positive attitudes we wish to promote. The theme is also useful in that it can be tied into all sorts of phrases for advertisements. For Example:

- WE CARE about safe driving.
- MANITOBA CARES - We need our citizens.
- OUR PEOPLE CARE - We serve coffee (soft drinks).
- CHILDREN CARE - We need our parents.
- STUDENTS CARE about their friends.
- We're the Hotel Association and WE CARE about drinking and driving.
- OUR PARENTS CARE - WE CARE - OUR FRIENDS CARE.
- We're the A.F.M. WE CARE about parents and teenagers.

To start this campaign, the Facilitating Committee could sponsor a contest for Manitobans to develop the campaign logo. The winning entry should receive suitable recognition. The possibilities are endless.

3. The following specific activities should be examined and carried out by government departments.

(a) A factual brochure that clearly outlines the laws, penalties and enforcement practices regarding impaired driving in Manitoba should be developed by the Attorney-General's Department. This is particularly important if changes are made to these laws and practices. This brochure should be distributed by the Motor Vehicle Branch through license renewal applications. A copy of a similar brochure from Wisconsin is included in Appendix F.

(b) The present high-school driving course, sponsored by the Motor Vehicle Branch and the Department of Education, should be expanded such that it is available to all interested students in Manitoba. The content of this course should be reviewed to ensure that sufficient attention is given to the hazards of drinking and driving and to the alternatives that can be pursued to avoid drinking and driving.

(c) A booklet for parents and teenagers similar to the attached brochure from the National Institute of Alcoholism and Alcohol Abuse (included in Appendix F) should be produced jointly by the Alcoholism Foundation of Manitoba and the Manitoba Health Services Commission for distribution through doctors offices and hospitals.

(d) The Manitoba Drivers Handbook that must be read and the exam that must be answered by all new drivers and suspended drivers should be reviewed by the Motor Vehicle Branch to ensure that sufficient attention is given to the hazards of drinking and driving and to the alternatives that can be pursued to avoid drinking and driving. Facts on alcohol and other drugs and on the Criminal Code provisions should also be considered.

(e) It is understood that the Department of Education has plans to develop a Health Curriculum for Junior High Schools. This curriculum would standardize health education in the same manner as mathematics, literature and other subjects are presently structured. The Department of Education should ensure that the curriculum gives sufficient emphasis to the hazards of impaired driving and to the alternatives that can be followed to avoid impaired driving. Attention should also focus on emotions and attitudes.

B. EDUCATION INTERVENTION AND TREATMENT FOR CONVICTED IMPAIRED DRIVERS

In 1981, there were 37,572 traffic accidents in Manitoba: 198 individuals were killed and 10,970 were injured. Dr. R.A. Rockerbie in his report Counterattack: Perspectives and Assessment (1980) estimated that each traffic fatality cost society $390,000 and the cost of each serious and moderate injury were $260,000 and $2,500 respectively. Obviously these tragedies cost the Province of Manitoba a great deal of money each year.

In 1981, 6077 convictions were obtained in Manitoba for impaired driving under Sections 234, 235 and 236 of the Criminal Code of Canada. Motor Vehicle Branch records indicate that approximately 2000 of these convictions were repeat offences.

Research has indicated that between 25% and 30% of convicted impaired drivers suffer from the disease of alcoholism (or chemical dependency when other drugs are included). More specifically, research conducted in several jurisdictions in the United States, which have mandatory chemical dependence assessment and referral programs, indicates that 20% of first offenders, 50% of second offenders and 90% plus of third offenders are suffering from chemical dependency and are in need of treatment. The remaining 70% to 75% of convicted impaired drivers are not chemically dependent but rather can be considered high risk, excessive, deviant drinkers.

Chemical dependence is an illness where dependence upon mood altering substances has attained such a degree as to disrupt academic or work performance, interfere with family and inter-personal relationships, disrupt smooth social and economic functioning, and impair the state of physical and/or mental health.

The concept of chemical dependency as a primary disease implies the following:

1. The illness can be described.
2. The course of the illness is predictable and progressive.
3. The illness is primary. It is not just a symptom of some underlying disorder.
4. It is permanent.
5. If left untreated, it may typically result in premature death.
6. Early diagnosis, intervention, and treatment can lead to permanent remission.

The treatment of chemical dependency is relatively well understood and has been successfully practised by professional and lay counsellors for over 40 years. The current treatment process, as practised by the A.F.M., involves a blend of professional behavior science and the principles of Alcoholics Anonymous. In the A.F.M. model, attention to physical well being is stressed and the treatment of this illness has a small group therapy emphasis. Experience has shown that few individuals require intensive psychiatric care. During the treatment process, exposure to A.A. principles remains paramount.

In the fall of 1980, the Alcoholism Foundation of Manitoba, in cooperation with the Motor Vehicle Branch, developed a special program of education and intervention for impaired drivers who had been convicted of a second offense. The decision to initially limit this education and intervention program to second offenders was made for the practical reasons of limited resources, and to allow the Motor Vehicle Branch and the Alcoholism Foundation the time necessary to refine the program content, delivery and administration. Both the Motor Vehicle Branch and the Alcoholism Foundation now feel sufficiently experienced to oversee an expansion of this program.

The overall goals of this Education and Intervention Program are as follows:

1. To reduce the proportion of individuals convicted of impaired driving who repeat this offense.
2. To identify those individuals who are chemically dependent and to direct these individuals to the appropriate treatment resource.
3. To provide to those high risk social drinkers who are convicted of impaired driving, factual information on chemical use and driving and an opportunity to examine and change harmful attitudes.

In February 1982, following the initial pilot of this program in Winnipeg, the Motor Vehicle Branch and the Alcoholism Foundation of Manitoba signed a formal Letter of Agreement to implement the program throughout Manitoba, where existing resources permitted. The program is presently operating in Winnipeg, Brandon, Portage La Prairie, Dauphin, Gimli, The Pas and Thompson. The program is presently not available in many of the rural areas of the province.

This education and intervention program is designed to inform convicted drivers of the physical and mental effects of chemicals on the body, particularly the inability to operate a motor vehicle. The drivers are referred from the Motor Vehicle Branch to the A.F.M., first for individual counselling, followed by a day long seminar.

At the conclusion of the seminar, the driver returns to the counsellor to discuss the clients perceptions of his or her use of alcohol and other drugs. The counsellor determines with the client whether treatment for chemical dependency is required. If clients decide, after the education they have received, that they would like help with a chemical dependence problem, they may be entered into one of several different treatment programs available through the A.F.M. If not, the client is under no obligation to the A.F.M.

The results of this interview are forwarded to the Motor Vehicle Branch under Section 26 of the Highway Traffic Act. Section 26 states that the Registrar of the Motor Vehicle Branch may require any individual to submit a report from any recognized agency engaged in the diagnosis and treatment of persons suffering from alcoholism.

If this report from the Alcoholism Foundation indicates a chemical dependence problem, the Motor Vehicle Branch requires the impaired driver to submit follow-up reports for a three year period. This action is taken to comply with Section 23 of the Highway Traffic Act which states that the Registrar shall not issue a drivers licence to any individual who is suffering from alcoholism where that alcoholism is not under control.

The A.F.M. is not directly involved in determining whether the person is reissued his or her driver's licence; this is a matter handled by Motor Vehicle Branch officials.

The initial statistical analysis of this program shows results similar to the experience of other jurisdictions. Of the first 478 persons to participate, 45% decided to enter a treatment program. A.F.M. staff felt an additional 14% would benefit from treatment but these persons declined at the time.

An initial evaluation of the program's impact on future driving behaviour was conducted by the Motor Vehicle Branch in 1981, one year after the program's implementation in Winnipeg. The findings of this initial study confirmed the gut feelings of Motor Vehicle Branch officials and A.F.M. staff that the program was indeed having a positive impact. However, the study sample was small and the elapsed time was limited (one year) and therefore no definitive conclusions were published. Careful records are being kept of program participants and future studies are planned. At the present time, this

Education and Intervention Program is being provided to approximately 600 persons per year. This represents 33% of individuals charged with a second offence or 10% of all individuals charged when first offences are included.

In addition to the penalties provided by the Criminal Code and the licence suspension provided by the Highway Traffic Act, the Committee is of the opinion that extensive efforts must be made to identify those convicted impaired drivers who are chemically dependent, direct them to the treatment they require, and to provide the educational opportunities to address harmful attitudes and behaviour. It is not sufficient to rely solely on punishment to reduce recidivism among impaired drivers. The problem drinkers in this group must be identified and harmful attitudes and behaviour must be addressed through educational activities. We must rely on the combination of punishment, treatment and education to reduce recidivism.

The Committee therefore makes the following recommendations:

1. That the present Impaired Drivers Program, operated by the Alcoholism Foundation of Manitoba in cooperation with the Motor Vehicle Branch, be expanded to cover all areas of the province and include first offenders.

2. That the Highway Traffic Act be amended to make the successful completion of this Impaired Drivers Program a mandatory precondition to the reissue of any permanent, temporary or restricted licence for convicted impaired drivers.

3. That the Highway Traffic Act be amended to establish a re-licencing fee for all drivers suspended for impaired driving. The monies collected by this re-licencing fee should be sufficient to reimburse the Province for the full cost of the Impaired Drivers Program.

The financial costs of the operation of this program are not inconsiderable. However, it is the opinion of the Committee that drinking drivers should bear the cost of this education and intervention program. Of the alternatives explored by the Committee, the re-licencing fee proposed in recommendation 3 was viewed as the most appropriate method to reimburse the government.

C. LEGISLATION AND ENFORCEMENT

The Committee advocates amendments to the Highway Traffic Act for the reasons outlined in Part 1 under the heading "Law Review".

The phrase "serious driving offence", which is used in some of the Committee's recommendations, refers to any one of the following sections of the Criminal Code of Canada:

- S. 234 - Impaired Driving;
- S. 234.1 - Refusal to provide sample of breath at approved roadside screening device;
- S. 235 - Refusal at breathalyzer;
- S. 236 - Driving with more than 80 mgs. of alcohol in blood;
- S. 203 - Causing death by criminal negligence;
- S. 204 - Causing bodily harm by criminal negligence.

The Committee recommends:

1. That a conviction for the offence of driving while suspended should carry different consequences depending on the behaviour that caused the initial suspension. Two categories are suggested: (a) suspension caused by a serious driving offence or for driving while already suspended; and (b) suspension caused by less serious driving offences, i.e. all other reasons.

2. That the present penalty for driving while suspended, a fine of not more than $1,000.00 or imprisonment for not more than 6 months or both, be maintained for those cases where the suspension arose from a less serious driving offence.

3. That the penalty for driving while suspended, when the suspension was because of a serious driving offence or for driving while already suspended, should be a mandatory jail sentence of not less than 3 days or more than 30 days for the first offence; and, for the second or subsequent offence, for a jail sentence of not less than 7 days or more than 2 months; and, in each case, liability to a fine of not more than $2,000.00.

4. That anyone convicted of allowing a person, whom he knows is suspended, to drive his vehicle, should be subject to the impoundment of his vehicle for 90 days, unless an emergency prompted his consent.

5. That car and truck rental agencies and other lessors of vehicles be required to phone the Motor Vehicle Branch to determine whether the potential renter or lessee has a valid driver's licence and not to rent or lease the vehicle unless that is the case.

   An employer hiring drivers must also do this on the initial hiring of an employee and also check once monthly at the Motor Vehicle Branch on employees already employed. Penalty for non-compliance - mandatory $5,000.00 fine.

   A special switchboard should be set up to provide this service on a no charge basis, 24 hours a day.

6. That the Highway Traffic Act be amended to provide for the payment of a driver's licence reinstatement fee by any person whose licence was suspended under the Act.

7. That the words "exceptional hardship" in S. 253(3) be defined to

mean "that suspension will result in a substantial interference with the suspended driver's means of earning a livelihood", or other language sufficient to indicate that a suspension will be revoked to permit the granting of a restricted licence for the purpose of driving during employment and/or to and from work where NO other means is available.

8. That there be no appeal to the Licence Suspension Appeal Board (L.S.A.B.) of a suspension arising from a conviction for driving while suspended or arising from a second conviction for a serious driving offence.

9. That the appeal from the L.S.A.B. to a Judge of the County Court be abolished.

10. That there be no revocation of a suspension by the L.S.A.B., nor reinstatement of a licence on the expiration of a period of suspension, (if suspension is as a result of conviction for a serious driving offence) unless there is a written commitment to go through the required screening tests and subsequent prescribed treatment which will form part of a different recommendation of the Committee. If there is subsequent non-compliance with the commitment, the licence to drive will return to its suspended status.

11. That the temporary licence, which may be issued by a Judge after conviction for a serious driving offence, be issued only if the Judge is satisfied that it is needed for the purpose of driving during the employment or to and from work where NO other means is available; and the temporary licence shall be restricted to that purpose only.

Enforcement

For the reasons outlined in Appendix E, the Committee recommends:

12. That the Province of Manitoba provide a BAT mobile (Blood Alcohol Test Mobile Unit) to be utilized by the City of Winnipeg Police Department (vehicle and personnel to be funded by the Province).

PART THREE: SUMMARY OF RECOMMENDATIONS

Our recommendations are:

1. That the Attorney-General of Manitoba use his persuasive powers to convince the Minister of Justice of Canada that the requisite amendment to the Criminal Code be made expeditiously to enable the taking of bodily substances from the suspected impaired driver.

2. A Central Facilitating Committee should be established and should include representatives from all groups in the province that have a stake in public education about impaired driving. The function of this Committee would be to share ideas, encouragement and resources and, when necessary, to coordinate the implementation of activities. The Committee should be chaired by a body such as the A.F.M. and include representatives from organizations such as the Brewers, Distillers, Wineries, Soft Drink Manufacturers, Manitoba Hotel Association, Manitoba Liquor Control Commission, Manitoba Health Services Commission, Department of Education, Citizens Against Impaired Driving, Manitoba Association of School Trustees, Police, Autopac, Motor Vehicle Branch, Attorney-General, University Student Associations, Restaurant Association, Broadcasters Association, Newspapers, Legions, the Manitoba Medical Association and the Manitoba Safety Council.

3. To help tie together the activities of the individual members of the Central Facilitating Committee, a single theme should be developed and its use promoted by the Committee. At present, we are suggesting the theme "We Care" as it is in keeping with the positive attitudes we wish to promote. The theme is also useful in that it can be tied into all sorts of phrases for advertisements. For Example:

- WE CARE about safe driving.
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- STUDENTS CARE about their friends.
- We're the Hotel Association and WE CARE about drinking and driving.
- OUR PARENTS CARE - WE CARE - OUR FRIENDS CARE.
- We're the A.F.M. WE CARE about parents and teenagers.

To start this campaign, the Facilitating Committee could sponsor a contest for Manitobans to develop the campaign logo. The winning entry should receive suitable recognition. The possibilities are endless.

4. The following specific activities should be examined and carried out by government departments.

(a) A factual brochure that clearly outlines the laws, penalties and enforcement practices regarding impaired driving in Manitoba should be developed by the Attorney-General's Department. This is particularly important if changes are made to these laws and practices. This brochure should be distributed by the Motor Vehicle Branch through license renewal applications. A copy of a similar brochure from Wisconsin is included in Appendix F.

(b) The present high-school driving course, sponsored by the Motor Vehicle Branch and the Department of Education, should be expanded such that it is available to all interested students in Manitoba. The content of this course should be reviewed to

ensure that sufficient attention is given to the hazards of drinking and driving and to the alternatives that can be pursued to avoid drinking and driving.

(c) A booklet for parents and teenagers similar to the attached brochure from the National Institute of Alcoholism and Alcohol Abuse (included in Appendix F) should be produced jointly by the Alcoholism Foundation of Manitoba and the Manitoba Health Services Commission for distribution through doctors offices and hospitals.

(d) The Manitoba Drivers Handbook that must be read and the exam that must be answered by all new drivers and suspended drivers should be reviewed by the Motor Vehicle Branch to ensure that sufficient attention is given to the hazards of drinking and driving and to the alternatives that can be pursued to avoid drinking and driving. Facts on alcohol and other drugs and on the Criminal Code provisions should also be considered.

(e) It is understood that the Department of Education has plans to develop a Health Curriculum for Junior High Schools. This curriculum would standardize health education in the same manner as mathematics, literature and other subjects are presently structured. The Department of Education should ensure that the curriculum gives sufficient emphasis to the hazards of impaired driving and to the alternatives that can be followed to avoid impaired driving. Attention should also focus on emotions and attitudes.

5. That the present Impaired Drivers Program, operated by the Alcoholism Foundation of Manitoba in cooperation with the Motor Vehicle Branch, be expanded to cover all areas of the province and include first offenders.

6. That the Highway Traffic Act be amended to make the successful completion of this Impaired Drivers Program a mandatory precondition to the reissue of any permanent, temporary or restricted licence for convicted impaired drivers.

7. That the Highway Traffic Act be amended to establish a re-licencing fee for all drivers suspended for impaired driving. The monies collected by this re-licencing fee should be sufficient to reimburse the Province for the full cost of the Impaired Drivers Program.

8. That a conviction for the offence of driving while suspended should carry different consequences depending on the behaviour that caused the initial suspension. Two categories are suggested: (a) suspension caused by a serious driving offence or for driving while already suspended; and (b) suspension caused by less serious driving offences, i.e. all other reasons.(See page 40 for the definition of serious driving offence.)

9. That the present penalty for driving while suspended, a fine of not more than $1,000.00 or imprisonment for not more than 6 months or both, be maintained for those cases where the suspension arose from a less serious driving offence.

10. That the penalty for driving while suspended, when the suspension was because of a serious driving offence or for driving while already suspended, should be a mandatory jail sentence of not less than 3 days or more than 30 days for the first offence; and, for the second

or subsequent offence, for a jail sentence of not less than 7 days or more than 2 months; and, in each case, liability to a fine of not more than $2,000.00.

11. That anyone convicted of allowing a person, whom he knows is suspended, to drive his vehicle, should be subject to the impoundment of his vehicle for 90 days, unless an emergency prompted his consent.

12. That car and truck rental agencies and other lessors of vehicles be required to phone the Motor Vehicle Branch to determine whether the potential renter or lessee has a valid driver's licence and not to rent or lease the vehicle unless that is the case.

An employer hiring drivers must also do this on the initial hiring of an employee and also check once monthly at the Motor Vehicle Branch on employees already employed. Penalty for non-compliance - mandatory $5,000.00 fine.

A special switchboard should be set up to provide this service on a no charge basis, 24 hours a day.

13. That the Highway Traffic Act be amended to provide for the payment of a driver's licence reinstatement fee by any person whose licence was suspended under the Act.

14. That the words "exceptional hardship" in S. 253(3) be defined to mean "that suspension will result in a substantial interference with the suspended driver's means of earning a livelihood", or other language sufficient to indicate that a suspension will be revoked to permit the granting of a restricted licence for the purpose of driving during employment and/or to and from work where NO other means is available.

15. That there be no appeal to the Licence Suspension Appeal Board (L.S.A.B.) of a suspension arising from a conviction for driving while suspended or arising from a second conviction for a serious driving offence.

16. That the appeal from the L.S.A.B. to a Judge of the County Court be abolished.

17. That there be no revocation of a suspension by the L.S.A.B., nor reinstatement of a licence on the expiration of a period of suspension, (if suspension is as a result of conviction for a serious driving offence) unless there is a written commitment to go through the required screening tests and subsequent prescribed treatment which will form part of a different recommendation of the Committee. If there is subsequent non-compliance with the commitment, the licence to drive will return to its suspended status.

18. That the temporary licence, which may be issued by a Judge after conviction for a serious driving offence, be issued only if the Judge is satisfied that it is needed for the purpose of driving during the employment or to and from work where NO other means is available; and the temporary licence shall be restricted to that purpose only.

19. That the Province of Manitoba provide a BAT mobile (Blood Alcohol Test Mobile Unit) to be utilized by the City of Winnipeg Police Department (vehicle and personnel to be funded by the Province).

20. That an on-going Committee be appointed to monitor the impaired driving situation in Manitoba. The new Committee should evaluate the recommendations of the present Committee, consider new innovative ideas to reduce the incidence of impaired driving and set up a mechanism for the systematic evaluation of new and existing programs.

The foregoing are our recommendations.

Dated this 16th day of June, 1983.

David F. Cruickshank

D. Kirkpatrick

Dr. John Bock

Larry R. Jocelyn

Deputy Chief John Urchenko

Staff Sgt. G. R. Taylor

Prof. R. A. Yelloy

Peter Dygala

David Sherlock

Rod Shannon

John D. Montgomery, Q.C.

APPENDIX

Appendix A	'Ministerial Statement on Impaired Driving'
Appendix B	'Mandatory Testing of Bodily Substances'
Appendix C	'Raising the Legal Drinking Age'
Appendix D	'Mini-breathalizers in Licenced Premises'
Appendix E	'Enforcement'
Appendix F	'Examples of Public Education Materials'

APPENDIX A

MINISTERIAL STATEMENT ON IMPAIRED DRIVING

As I previously advised members of the House, I have been discussing problems related to drunken and impaired drivers with senior officials in my department and others.

My department recognizes that this is a very serious social and legal problem and that the incidence of impaired driving is increasing. The statistics for convictions under the various sections of the Criminal Code, which deal with impaired driving, show an increase between 1980 and 1981 of 26% and yet, it may well be the case that the number apprehended may represent just the tip of the iceberg. It is likely the case that only a small fraction of those who drive while impaired are arrested. A brief presented to me by the Citizens Against Impaired Driving (CAID) estimates that there may be as many as 542,000 instances of impaired night-time driving in Manitoba each year. While I am not prepared to accept that figure without further research, I do accept that organization's view and the view of others that the problem is one of immense proportions. It seems clear, from such figures, that the main problem is prevention and detection rather than simply one of punishment.

In order to investigate ways of significantly reducing the incidence of impaired driving, I have today appointed a Committee to be chaired by J. D. Montgomery, Q.C., General Counsel in my department. Other members of the Committee include Deputy Chief John Urchenko and Staff Sergeant Robert Taylor, both of the City of Winnipeg Police, David Cruickshank, the Executive Director of the Alcoholism Foundation of Manitoba, D. Kirkpatrick, Chief Inspector of the Liquor Control Commission of Manitoba, Larry Jocelyn of the Manitoba Hotel Keepers' Association and Dr. John Bock of the Manitoba Committee on Crime Prevention.

This Committee will examine innovative ways of preventing persons from driving while under the influence of alcohol or a drug to an extent which impairs their ability to drive. The Committee will be examining such things as the possibility of installing mini-breathalyzers in licenced premises to enable departing guests to check their own levels of impairment. I have had several other suggestions from concerned citizens and these will be turned over to the Committee. I invite citizens of Manitoba generally to pass suggestions along to the Committee.

While experience shows that punishment by itself does not deal with the problem effectively, nevertheless, deterrence does play some role. In this connection, I have examined the present policy of this department with respect to when persons involved in a second occurrence of driving while impaired should be charged as second offenders. The present provisions of the Criminal Code provide mandatory jail penalties for second and subsequent convictions. If a person is charged and convicted as a second offender, there is a minimum of fourteen days in jail. If a person is charged and convicted as a subsequent offender (that is, three or more convictions) the Code provides a minimum of three months in jail. In 1979 the then Attorney-General adopted a policy which called for a person involved in a second occurrence to be charged as a second offender only if the second occurrence takes place any time within one year of the first occurrence. I have had several submissions on the need to more severely limit the grace period.

After studying all such submissions carefully, I have today instructed Crown Attorneys to charge a person as a second offender if that person is involved in a second occurrence anytime within two years. In addition, a person will be charged as a subsequent offender liable to a minimum three months imprisonment if the person has been convicted on two or more occassions within the previous two years.

Representations have been made to me calling for persons to be charged as second offenders if the second occurrence takes place anytime within five years of the first conviction. I have rejected this suggestion after reviewing the policy in other provinces in Canada and after considering the negative effects of mandatory imprisonment. However, I wish to make it clear that this policy will be reviewed in a year's time and, if necessary, the grace period may be further limited.

While these are guidelines only, instructions to Crown Attorneys will carry the direction that any authorization to deviate from the guidelines must be obtained from either the Director of Prosecutions or the Senior Crown Attorney for the City of Winnipeg or the Senior Crown Attorney for the Western Judicial District.

The Alcoholism Foundation of Manitoba has recently expanded its impaired driving program for second offenders. This program requires a second offender who wishes to get his licence back to be referred to the Alcoholism Foundation where that offender is interviewed by a counsellor. The counsellor determines whether or not the person has a drinking problem and whether or not the driver will be required to attend a course presented by the Alcoholism Foundation as a condition for obtaining a driver's licence. This course is designed to assist problem drinkers. Such persons will be further required to attend classes where films are shown, discussions held on alcoholism and its related problems and professional counselling is available. It was recently announced that the Alcoholism Foundation has expanded its impaired driver program to centres throughout the Province. Resources are not yet available to provide such programs for first offenders but the Committee, chaired by Mr. J. D. Montgomery, has been requested to look into a similar program for first offenders.

I have discussed the question of sentences imposed on drunken drivers with Chief Provincial Court Judge, Harold Gyles. Judge Gyles advises me that provincial judges, who do keep this aspect of the law under constant review, share the concerns of the public and are currently re-examining sentencing policy in this area with a view to stiffening penalties.

It is my hope that measures announced to date will be effective and will bring home to the public our determination to explore every avenue to reduce the amount of drunken driving.

Roland Penner,
Attorney-General.

APPENDIX B

Mandatory Testing of Bodily Substances in Impaired Driving Cases

It has been said that Parliament, in enacting the mandatory breath sample analysis provisions of the Criminal Code in 1969, struck a balance between the protection of society and the protection of individual members of society by requiring only breath sample analysis, despite demands from some quarters that even more stringent measures be taken to reduce impaired driving.

The Criminal Code does not make provision for a suspected impaired driver to provide any sample other than a sample of his breath. Thus, when a driver is incapable of providing a breath sample due to physical injury or mental trauma resulting from involvement in a motor vehicle accident, that driver will probably escape prosecution. In the result, the Crown is precluded from prosecuting impaired drivers in a significant proportion of serious accident cases.

In a study prepared by R.A. Rockerbie in 1979 for the Ministry of the Attorney General, Government of British Columbia (Blood Alcohol and Hospitalized Traffic Crash Victims), it was discovered that out of 776 victims of traffic accidents, 25% had blood alcohol levels in excess of .08%. Approximately 80% of the drivers who were over the limit and who were brought to hospital escaped criminal prosecution.

A second deficiency in the existing Code provision is that drugs other than alcohol are not detectable through breath sample analysis.

The Province of British Columbia responded legislatively to this "deficiency" by giving third reading to the Motor Vehicle Amendment Act (No.2)

on September 13, 1982. The new legislation creates a provincial offence of driving over .08 and requires the giving of blood samples for analysis, with the offence of failure to provide a sample in support.

The Second Reading Debate from Hansard indicates that the Bill received the support of both sides of the House and Second Reading unanimously. (Editorial comment in the press was consistently in favour of this legislation.)

The mandatory testing of bodily substances in impaired driving cases has the support of the British Columbia Medical Association. At its 1982 annual meeting at Saskatoon, the Canadian Medical Association passed a resolution in support of mandatory testing.

At present, all 50 states and the District of Columbia have enacted legislation which, by and large, incorporates this conceptual approach to chemical testing of bodily substance samples. These statutes are generally referred to as "implied consent" statutes.

Obviously, the British Columbia legislation was enacted on the footing that the need to protect individual persons from the application of intrusive medical procedures was outweighed by the need to protect society from the costly and tragic consequences which result when impaired drivers cause serious injury to others on the public highways.

The constitutional implications of the B.C. legislation become immediately apparent. It was contended that, since 1941, the Supreme Court of Canada has invariably upheld both federal and provincial legislation in respect of highway safety where a conflict was alleged to exist.

It is beyond both the scope of this Committee's mandate and the capacity of its members to moot the constitutional validity of provincial legislation providing for the taking of blood samples.

Nevertheless, we have an abiding fear that there is a strong probability that the Supreme Court of Canada would not uphold the constitutionality of the B.C. legislation or any other similar provincial legislation.

For us, this does not create an impasse. It is our contention that the solution lies in an amendment to the Criminal Code providing for the mandatory testing of bodily substances in impaired driving cases with complimentary provincial legislation providing protection from civil liability for persons involved in the taking of samples.

[The Blood Test Act (Statutes of Manitoba, Chapter B63) was assented to July 29, 1980. It provides immunity from assault to doctors taking blood tests. Such provincial legislation, it is suggested, could be expanded to afford the requisite protection from civil liability for persons involved in the taking of samples.]

We have considered neither the obvious civil libertarian issues nor the possible defences arising from the Canadian Bill of Rights or the Charter of Rights.

Undoubtedly, if mandatory bodily substance testing is approved in principle, a great deal of study as to its implications, implementation and cost is required.

We are cognizant that provincial Attorneys-General and the Minister of Justice are well aware of the studies that have been undertaken by Provincial Departments and the Law Reform Commission of Canada on this issue.

Our research convinces us that mandatory testing of bodily substances is a necessary combat weapon in the battle against the impaired driver.

We respectfully urge you, Mr. Minister, to use your persuasive powers to convince the Minister of Justice that these studies must be accelerated and that the requisite amendments to the Criminal Code authorizing the taking of samples of bodily substances from the suspected impaired driver are amply justified.

APPENDIX C

Raising The Legal Drinking Age

The Committee advocates retention of the legal drinking age of 18 years in Manitoba.

The Executive of the Winnipeg Police Department takes the same stand.

The position of the Manitoba Hotel Association is incisively put by an Association spokesman who said:

> "Our Association offers no opinion as to whether the drinking age should be raised. We had no recommendation n'or took no stand when the 'age of majority' was lowered and our stand would be the same, i.e. it was then a decision of our legislators to lower the age and it will have to be the decision of our legislators to raise the age. Our Association, however, would not stand in the way of the legal age for drinking being raised.
>
> In defence of the 18 year old, it would be wrong of me not to report to this Committee that, in the opinion of our Industry, this age group, i.e. the 18 year old, over an extended period of time has demonstrated to us, i.e. the hotel licencees, that they are a most responsible group ...that they do appreciate the privileges ...that they are responsible for their behaviour and their actions.
>
> On behalf of our Industry, I feel it is a fair statement to make that we would seem to have more difficulties with the 20 year old whom we find less responsible, less respectful of our properties and less concerned about their actions than the 18 year old who has just been introduced to drinking. It seems like the 20 year old is just beginning "to taste his oats" and wants to let us, as licencees, and his friends know about his new found courage."

The Committee's position on the legal drinking age is based primarily on two factors:

(1) Raising the age is inherently discriminatory in that it removes privileges from a class of responsible people as well as the target group;

(2) We have found no credible and overwhelming evidence that raising the drinking age would have more than a minimal effect in reducing the incidence of impaired driving.

We hold that a combination of other proposed countermeasures may well be far more effective.

Much research has been done on this subject and more is being done at the present time. One authoritative study is expected to be published next year by Duke University. The study is based on surveys conducted in the 48 continental states from 1970 to 1977.

One Canadian study analyzed the public's reaction to forty potential highway safety countermeasures. Raising the legal drinking age from 18 to 21 was one of the measures assessed. Researchers discovered that this countermeasure ranked somewhat lower on favourability (rank 20.5) than on effectiveness (rank 10). As this countermeasure ranked fairly highly in believed effectiveness, had only moderately negative non-safety side effects and an average favourability score, it was concluded that it might not encounter heavy public resistance if it were implemented.

In an article in the March, 1983 Reader's Digest entitled "Let's Get Killers Off The Road", the authoress alludes to Citizen's groups who are lobbying for change. One of the issues is the raising of the legal drinking age to 21.

An article published in the Winnipeg Sun on Friday, January 14, 1983 carries the bold heading "Readers damn government for slashing drinking age".

The January 3, 1983 issue of Time Magazine did a piece on raising the drinking age.

Because we anticipate that you will be confronted, in due course, with the pros and cons of this issue, we include, in this appendix, some information which may prove useful.

Legal Drinking Age

		AS OF
Newfoundland	19	72-07-25
Nova Scotia	19	71-04-13
Prince Edward Island	18	72-05-15
New Brunswick	19	72-08-01
Quebec	18	71-07
Ontario	19	79-01-01
Manitoba	18	70-09-15
Saskatchewan	19	76-09-01
Alberta	18	71-04-01
British Columbia	19	70-04-15
Yukon Territory	19	70-02
Northwest Territory	19	70-07-15

1983 is the year of the nation wide campaign to raise the drinking age. It is in high gear in the United States at this hour.

Time Magazine reports that "in their 1983 legislative sessions, 26 states will consider proposals to cut off 18, 19 and 20 year old imbibers. Congress has warned that states failing to raise the drinking age may find their federal highway aid in jeopardy".

Nevertheless, as previously stated, the investigations we have made have failed to persuade us as to the efficacy of this countermeasure.

Herewith, the conclusions from seven studies we have reviewed.

(1) Legal Minimum Drinking Age Changes in the United States 1970 - 1981: Alexander C. Wagenaar, Ph.D. (assistant research scientist at the Highway Safety Research Institute, University of Michigan)

In the past decade, the minimum legal drinking age for purchase and consumption of alcoholic beverages has been the subject of frequent debate, usually centered on the public health consequences of different minimum drinking ages. In the early 1970's, many states lowered the drinking age, usually from 20 or 21 to 18 or 19, as part of a nation-wide trend lowering the age of majority.

As debate in public policy and academic arenas ensued concerning the effects of the reduced drinking age on the incidence of alcohol-related problems among youth, numerous empirical investigations were conducted. Results generally showed significant increases in alcohol-related motor vehicle crash involvement among young drivers after reductions in drinking age.

(2) Effects of the Minimum Drinking Age on Automotive Crashes Involving Young Drivers: 1982 Wagenaar

Motor vehicle crashes are the leading cause of serious injury and death among young people in the United States. Such accidents in 1980 resulted in the death of 18,800 persons aged 15 to 24 (National Safety Council, 1981).

Automotive crash data for Michigan, Maine, New York and Pennsylvania during the period 1972-1979 were analyzed month by month to examine how changes in minimum drinking age laws affect numbers of young drivers involved in crashes. Findings showed that raising the minimum legal drinking age in Maine in 1977 and Michigan in 1978 decreased alcohol-related crashes by about 20 per cent among young drivers in both States. (Michigan lowered its drinking age from 21 to 18 in 1972 and raised it again to 21 in 1978. Maine lowered its minimum drinking age from 21 to 18 in 1972 and raised it to 20 in 1977.)

(3) Raised Legal Drinking Age and Automobile Crashes: A Review of the Literature: Wagenaar

Conclusion:

Minimum purchasing ages have never prevented underage youth from drinking any alcoholic beverages. There are numerous surveys indicating that a majority of high school youth are not abstainers. It is not reasonable to expect a raised drinking age to eliminate all youthful alcohol consumption. The observation that youth continue to drink after implementation of higher drinking ages has been cited as evidence that the laws have no effect. However, evaluation of any prevention policy or program is based on marginal effects in reducing public health problems. No prevention effort is realistically expected to prevent all of the incidence of a public health problem. The legal minimum drinking age substantially reduces alcohol-related crash involvement among young drinkers; that it does not eliminate this serious problem is no reason not to consider minimum drinking age as one component of a broader prevention effort.

(4) Aggregate Beer and Wine Consumption. Effects of Changes in the Minimum Legal Drinking Age and a Mandatory Beverage Container Deposit Law in Michigan: Wagenaar

Time series analysis of beverage alcohol distribution in Michigan from 1969 to 1980 were used to estimate changes in alcohol consumption associated with lowering the legal drinking age and implementing a mandatory beverage contained deposit law.

Conclusion:

A statistically significant temporary increase in aggregate draft beer sales is associated with the reduction in legal minimum drinking age from 21 to 18 in 1972. No significant changes in total beer, package beer or wine sales were associated with the lowered drinking age.

(5) Teenage Drivers and Motor Vehicle Deaths: Ronald S. Karpf, Ph.D. and Allan F. Williams, Ph.D.

Preliminary Report, September 1981
Insurance Institute for Highway Safety
Washington, D.C.

Summary:

Motor vehicles account for nearly half the deaths of 16-19 year olds in the United States. Teenage drivers contribute substantially to motor vehicle related deaths, both their own and others. Teenage drivers have

greatly elevated rates of fatal crash involvement per capita and, especially, per licensed driver. More deaths per licensed driver are associated with the passenger vehicle crashes of 18 year olds than for any other age. Deaths per licensed driver are next highest for 16, 17 and 19 year olds.

Various possible ways to reduce the deaths that result from teenagers driving are discussed, including raising the minimum age of licensure to age 18. In 1978, passenger vehicle drivers 16 and 17 years old were in crashes that resulted in 4,198 deaths.

(6) Effects of Raising the Legal Drinking Age in Ontario

Evelyn Vingilis and Reginald G. Smart
1981 Society for the Study of Addiction to Alcohol and other Drugs

Summary:

This paper reports four types of data which are relevant to the study of the effects of the increase in the drinking age. The data comes from (1) surveys of drinking and drinking problems among high school students; (2) a study of perceptions of vice-principals; (3) a trend analysis of young drinking offender charges; and (4) trend analyses of drinking-driving statistics.

The results suggest a minimal effect for changes in the legal drinking age.

In Ontario, the age was increased from 18 to 19 years as of January 1, 1979.

The findings seem to tentatively suggest a minimal effect for 18 - 19 year old high school students, but not for the regular (once a week or more) or younger drinker.

(7) Effects of Reducing the Legal Alcohol-Purchasing Age on drinking and Driving Problems

Smart and Goodstadt

Addiction Research Foundation - Toronto - 1976

Summary:

A review of studies of the effect of reducing the legal age for drinking and purchasing alcoholic beverages suggest that there are public health reasons for not introducing such changes in jurisdictions which have not already done so.

Conclusions:

In general, there has not been extensive research on the effects of changes in the alcohol-purchasing age, except for alcohol-related traffic accidents. Much of the research on drinking and driving problems has not involved comparisons with areas where the law has not been changed. However, the results of all of these studies indicate some consistent and possibly reliable results. It would seem that the following conclusions can be supported:

(1) Both self-report and sales studies indicate that substantial increases in youthful drinking occurred in Canada after the legal age for purchasing alcoholic beverages was reduced, probably, but not certainly, because of the change.

(2) The largest changes in drinking probably involved on-premises consumption rather than sales in liquor stores or drinking with families.

(3) The effects of the age change on per capita beer consumption varied from province to province in Canada.

(4) There are usually greater increases in alcohol-related automobile accidents in areas where the purchasing age has been reduced than in comparison areas. These increases do not occur in all states (e.g. Vermont), but the reasons for the inconsistency are uncertain.

(5) Changes in the alcohol purchasing age probably affect the automobile crash experience of those aged 15-17 as well as those 18-20.

(6) No information is available which shows conclusively that reducing the purchasing age has caused increases in educational, family or public order problems. The data indicating increased admissions of young persons for alcoholism treatment are subject to a variety of interpretations.

(7) The evidence, chiefly from studies of traffic accidents and inferentially from studies of changes in drinking patterns, suggests that there are public health reasons for not introducing changes in jurisidctions which have not yet reduced purchasing ages. Whether the arguments based on human rights or age of majority are superior depends on political, social and cultural values too numerous to discuss here.

APPENDIX D

Mini-breathalyzers in Licenced Premises

You asked us to examine the possibility of installing mini-breathalyzers in licenced premises to enable departing guests to check their own levels of impairment.

We cite an excerpt from Discussion Notes from the November 23, 1982 Impaired Driving Committee meeting:

Pub Breathalyzers

> This is the third time this idea has been discussed by the Committee. The Hotel Association is particularly concerned that the improper use of such machines might mislead intoxicated individuals and hotels might be liable for resulting damages. At this time, the Committee felt that this recommendation was a poor idea. However, it was also pointed out that breathalyzers can make a good educational tool and that the use of the machines as part of educational efforts should be continued and further encouraged.

One Committee member wrote tersely:

"... the Pub mini-breathalyzer... I reject this concept on several grounds:

- prohibitively expensive;
- it will not be used by the target group;
- of questionable reliability;
- the reading obtained is no indication of what the blood/alcohol content may be twenty minutes later.

A spokesman for the Manitoba Hotel Association had this to say about the mini-breathalyzer:

> "Our Industry has no serious objections to the installation of 'mini' breathalyzers in licenced premises; however, it should be carefully noted that such installations could have serious legal ramifications.
>
> It is our opinion that a breathalyzer test should be administered by a trained and qualified person and that the equipment must be extremely accurate.
>
> It is our opinion that to depend on unsophisticated equipment and for self-administered tests to ensure that the level of alcohol is below the safe limit (.08) is unreliable.
>
> It is the opinion of our Industry that only the 'most responsible' people would test themselves and those who are 'irresponsible' would continue to be, and would overindulge, walk past the 'mini' breathalyzer mounted on the wall, and jump in behind the wheel of their car and drive!"

From the foregoing, it becomes obvious that your Committee is not overly enthusiastic about mini-breathalyzers in licenced premises. The installation of this instrument in hotel beverage rooms will not be included among the Committee's recommendations. Nevertheless, the concept was given serious consideration.

Addendum:

Committee members did not visit beverage rooms in jurisdictions where such devices are utilized. However, promotional literature from Alcohol Countermeasure Systems Inc., manufacturer of coin-operated electronic testers was circulated to members of the Committee. The brochures, replete with pictures, unit descriptions, calibration procedures, even unpacking and installation instructions, afforded a fair insight into these products and their capabilities.

APPENDIX E

Enforcement

The Committee's deliberations, particularly in the area of detection and enforcement, have been greatly enhanced because of the wisdom and experience of two of its members whose combined police service exceeds sixty years.

These members have discussed our tentative recommendations with the Executive of the Winnipeg Police Department. Thus, our proposals have been scrutinized by senior police officers whose cumulative experience in law enforcement exceeds one hundred years. We are indebted to Chief Johnston and his deputy chiefs for their invaluable advice.

Of particular interest to us was the emphasis placed on education by all of the police officers consulted. Within the context of our proposed program to reduce the incidence of impaired driving, the officers gave higher priority to educational countermeasures than to countermeasures involving detection or enforcement.

They stressed the need for high school driving courses to be extended to all high school students; so too, the Alcohol Awareness programs, not just at the secondary school level, but at the University level as well.

We have been apprised of the Employee Assistance Program of W.C.P.D. (which concerns, among other things, early identification and referral of alcohol and other drug abuse, etc.).

Two specific enforcement countermeasures over which our debates continue are:

(1) A.L.E.R.T. (Alcohol Level Evaluation Roadside Tests); and

(2) BATMOBILES (Blood Alcohol Mobile Test Vehicles)

We comment, firstly, on the A.L.E.R.T. Program:

The Executive of the Winnipeg Police Department endorses the principle of the A.L.E.R.T. Program, particularly during the Christmas and New Year's seasons. The Program used during this period is a roadblock system. Because of manpower requirements to operate the checkpoint, it is impossible to cover the City's major traffic routes in a single evening.

The Winnipeg Police A.L.E.R.T. Program is a large scale deterrent operation aimed at stopping as many drivers as possible from combining drinking with driving. The program is designed to increase the driver's perception of the risk of being apprehended. Public information is disseminated by media coverage (press, radio and television), pamphlets and spotchecks.

An officer has this to say of the A.L.E.R.T. Program:

> "We usually commence our intensified program two or three weeks prior to Christmas and continue through to a week after New Year's. All uniform patrol cars have a supply of A.L.E.R.T pamphlets and officers are instructed that any time a motorist is stopped for any reason, a pamphlet will be handed to him.

During this period, two teams, seven men to a team, set up at various locations throughout the City. The teams operate from 6:00 p.m. to 2:00 a.m. The teams spotcheck vehicles and drivers at random. The officers speak to the drivers, check their driver's licences and motor vehicle registrations and make a cursory check of the vehicle. If the officer suspects the driver has been drinking, he may, by demand to the person, require him to provide a breath sample on the A.L.E.R.T. unit. If the driver registers in the "Warn" category (between 50 and 100 milligrams of alcohol in 100 millilitres of blood), his licence is suspended for six hours and he is not permitted to drive from that point. No charges are laid against a driver in the warn category. If the driver registers in the "Fail" category (100 milligrams or more of alcohol in 100 millilitres of blood), then he is requested to accompany the police officer to the District Station where he is checked on the breathalyzer and processed as an impaired driver.

We currently have ten A.L.E.R.T. Units in the Department. Each District has one unit, the Traffic Division has three units and there is one spare unit. During the course of the year, any car in a District may be equipped with an A.L.E.R.T. Unit and drivers may be tested at any time. We usually try to put out special teams on long weekends for increased traffic enforcement and A.L.E.R.T. tests but this activity is limited by available manpower.

We have found the intensified program a very effective deterrent. We do not arrest many impaired drivers in the actual A.L.E.R.T Program, but, with the accompanying publicity, members of the public are made aware of the police presence and this persuades many people who have

> been drinking not to drive. If the intensified program were to be carried out daily rather than intermittently, it would lose its effect. It would be a daily police function. The media would no longer give the desired exposure and the public would accept it and carry on as usual just as they have accepted radar but still speed. The program has to impact on the public to be effective and daily occurrences make little or no impact."

One Committee member wrote:

> "The alert program should be used to a greater extent; possibly three weekends over the summer as well as the holiday season. The public should not be aware of which weekends it will be; however, there should be a media blitz each weekend announcing the possibility that this could be one of them.
>
> The use of dummy A.L.E.R.T. stations, so as to cover twice as many of the main arteries, should be seriously considered. This could increase the deterrent effect of A.L.E.R.T. even more. A serious look at the data from British Columbia would assist in determining if this is a viable recommendation."

We expect that the constitutionality of the A.L.E.R.T. Program will be attacked one day. You will recall that, in the brief presented to you on April 19, 1982 by Citizens Against Impaired Driving, a specific recommendation number 7 urged you to "provide the necessary resources for the preparation and presentation of the best possible defence against any challenge on constitutional grounds to the Alcohol Level Evaluation Roadside Test (A.L.E.R.T.) Program".

As previously mentioned, the A.L.E.R.T. Program is still under consideration by the Committee.

And now, reference to the Blood Alcohol Mobile Test Vehicle (BATmobile). This vehicle is about the size of an ambulance and it contains all necessary equipment to process and book suspected impaired drivers.

The immediate goals for the BATmobile are to increase the number of arrests for impaired driving and to decrease the time spent by field service officers in processing the impaired driver.

The ultimate goal is the reduction of alcohol-related accidents by increasing the number of intoxicated drivers removed from the streets.

BATmobile units have proven extremely effective in the City of Alburquerque, New Mexico. Statistics from 1982 indicate a 12% drop in fatal traffic accidents.

The province of British Columbia has fourteen BATmobiles in service at this time as part of a "Counter-Attack" program. Counter-Attack was launched in May 1977 as a high priority program of the Ministry of the Attorney-General and the Insurance Corporation of British Columbia. The intent was to develop and implement comprehensive community-oriented impaired driving countermeasures. The author of this study, Dr. Rockerbie (Ph.D.) stated:

> "The high visibility of the BATmobile both in roadblock usage and patrols serves to create awareness of the impaired driving problem and the risk of apprehension to motorists. The BATmobile can also be used very effectively as the focus of attention in public information programs utilizing displays in public areas.

The Executive of the Winnipeg Police Department recommends that the Province of Manitoba procure a Blood Alcohol Mobile Test Vehicle for the City of Winnipeg (vehicle and personnel to be funded by the Province).

The Committee fully appreciates that the Chief Constables, the Assistant Commissioner and Senior Officers of all police forces "deploy the troops". We do not presume to instruct professional police officers in their task. However, we are all seeking, and we continue to seek, innovations in enforcement programs which may reduce the incidence of impaired driving. The BATmobile may well be one such enforcement instrument.

POLICE

APPENDIX F

Examples of Public Education Materials

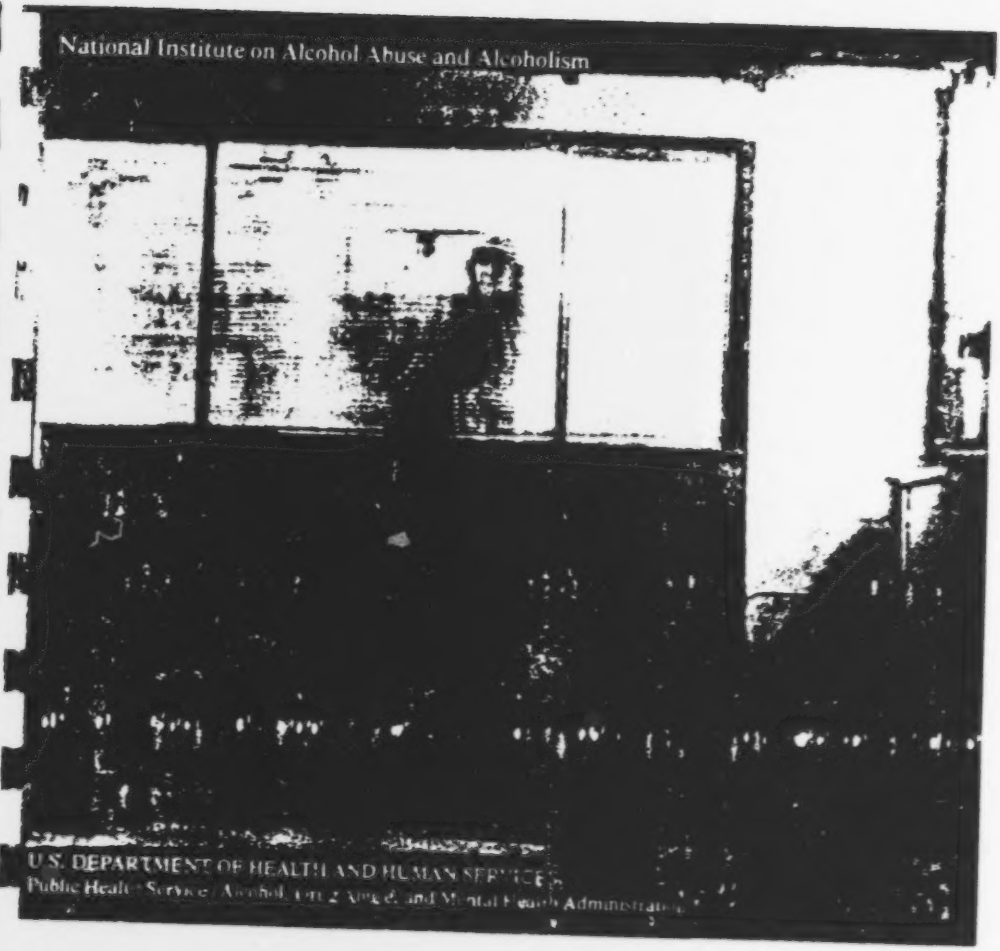
On the following pages a number of examples of public education materials are presented.

Talking to Your Teenager about Drinking and Driving

Facts about Wisconsin's Drunk Driving Law

Seagrams

Burma Shave Signs



Talking to your teenager about drinking and driving

You're a mother, a father, a parent with a teenage son or daughter. It's a weekend night, or any night, and you're waiting up; your kid was supposed to be home hours ago and you're beginning to wonder, again.

You know kids drink, or some do; your own kid drinks, you know that, too. You're worried

*because you figure there's a fair chance your kid has been drinking tonight, and unless he's wrecked the car, unless she's wrecked the car, unless—*don't, *you tell yourself, hey, it's ok, kids are kids, which doesn't help at all, because this kid happens to be your kid, and if your kid has been drinking. . . .*

Trust me, the kid says, I can handle it, I'm not like other kids, I don't drink to get drunk, I know when I've had enough, I know when to say no more, thanks. Trust me. I don't drink and drive.

Or your kid will look you straight in the eye and say

Why you need to talk about it

- Traffic accidents are the number one cause of death among teenagers, and most of those accidents involve a drinking driver.
- It's comforting to believe: "not *my* daughter or son." But 50 percent of high school students drink in cars, and about one out of four reports driving after having had "a good bit to drink."
- Teens are inexperienced at both drinking *and* driving. Even moderate amounts of alcohol—for example, one beer per hour—can significantly impair a young person's driving.
- Despite the facts, teenagers don't necessarily believe there is anything wrong with drinking and driving. Young men, in particular, are likely to perceive the drinking driver as an independent, brave, popular individual.

It's not an easy subject

Your first reaction may be to want to avoid the subject of drinking and driving altogether. Your teenager may feel the same way. For both parents and teenagers, it can be an emotion-charged subject.

For parents: There is apt to be a natural conflict between the desire to control your child's behavior to protect him or her from harm and the recognition that some of these controls must be relaxed as children move into their teens. It can be difficult to decide how far to go in either direction.

For your teenager: The teenage years are a time of experimentation and try-

ing out adult behavior, and both drinking and driving are expressions of independence. Young people are often under heavy pressure from their friends to drink. They are bombarded by advertising urging the use of alcohol.

Yet teenagers have mixed feelings on the subject. They want and expect their parents to talk with them about drinking and driving, according to a recent national survey. But often teens resent adult advice, particularly if they think they will simply hear "don't."

Examine your own example

When it comes to "adult" behavior like drinking and driving, parents are closely copied role models for their teenagers. Before you begin to talk to your daughter or son, honestly expore your *own* attitudes and behavior about drinking and how they may affect your attitudes toward your child's use of alcohol. Teenagers are very alert to hypocrisy. The last thing you want is to put yourself in the position of telling your child, "Do as I say, not as I do." Here are some questions to ask yourself:

- How do I handle drinking in our home? How would my teenager describe *my* use of alcohol? Do I demonstrate a safe approach to drinking and driving?
- What worries me most about my teenager's drinking? Being in a car accident? Getting sick? Getting into a fight? Damaging his or her reputation? Sexual involvement? Trouble with the law?
- Under what circumstances do I think it would be OK for my teenager

you drink and drive, why shouldn't I drink and drive? You say, we're not talking about me, we're talking about you; you say, I'm an adult and you're not. But it doesn't make a lot of difference, because the kid's got a point: not that he'd admit it, not that she'd admit it, and not, now that you think about it, that you'd admit it either, but the kid's growing up and following in your footsteps. Some of them anyhow.

Look, you say, you could wreck the car, kill yourself, or somebody else, or hurt yourself, or

somebody else. You could wind up in jail. All true.

And so could you.

Trust me, you say, I know what I'm talking about. The message is don't drink and drive, and please listen to me, I love you, I know what I'm talking about here, the message is don't drink and drive, the message is don't drink and drive.... Who said that? Hello, am I talking to myself?

Your mind begins to wander, you doze off, you wake with a start, there's a car pulling into the driveway, headlights sweep the dark room where you wait. You've been holding your breath, you relax, you feel

to drink? Not at all? Only on family occasions? Under adult supervision?
- Am I more comfortable with the idea of my teenager drinking than using other drugs? If so, why?

Talking to your teenager

Teenagers have an amazing physical ability: they can close their ears. Most parents know that even if they can get their teen's attention, they still have to get past a turned-off attitude to get their messages across.

There is no "one way" to discuss drinking and driving. Each teenager, each parent, and each situation is different. But as you consider various approaches to the subject, you may find some of the following guidelines useful:

- Bring up the subject when family members are in a calm frame of mind. Make clear that you want to share ideas about drinking and driving, not make accusations or hand down ultimatums. Don't try to start the conversation when your son or daughter comes home drunk. A discussion in the morning may be more successful.
- Be honest and direct in stating your own attitudes and preferences, and what you are most concerned about.
- Set realistic goals. Most teens do drink on some occasion and most either drive or are passengers in friends' cars. To forbid either activity is unlikely to work. A more realistic approach is to help your teenager find ways to not *mix* drinking and driving.
- Take advantage of everyday conversations, such as discussion of news events, to follow up and reinforce important points about drinking and driving.

Frequently teenagers are defensive when talking to their parents about areas of their lives they consider private. Your first conversations may not go well. But by taking the first step, you will open the door to future discussions.

Listening to your teenager

Make your talk with your teenager a conversation, not a lecture. Two-way communication always works better. Young people are tired of being "taught" and feel they are old enough to make their own decisions.

Ask your teenager what he already knows about drinking and driving, what his attitudes are, and how he thinks problems can be avoided.

Listen carefully. If you can use examples from your child's personal experiences to help make your point, you have a better chance of being heard.

Here are some other guidelines for your discussions:

Be patient. Given the emotional nature of the topic and the number of issues involved, a single discussion on drinking and driving probably will not be enough. You may need to have several talks with your teenager.

Be supportive. Reinforce your discussions by showing approval when your son or daughter acts responsibly to prevent an alcohol-related accident.

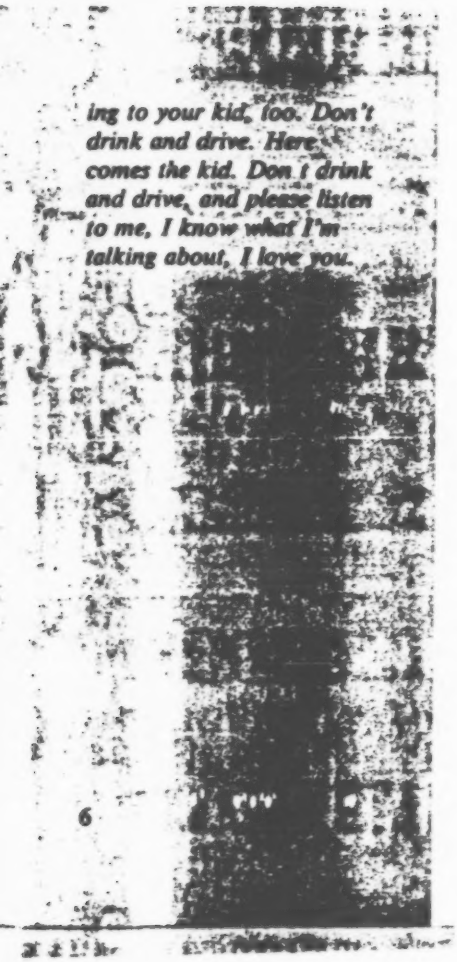
Be open. Let your teenager know that you want him or her to come to you with any future concerns about drinking and driving. Keep lines of communication open.

like a balloon going down. At the same time you feel the anger begin to build in your chest, real anger, you scared me, *you kept* me *up.*

Here comes the kid. She's been drinking. He's been drinking. You can smell it.

You wish there was a magic formula, never mind how foolish it sounds, or a magic wand, anything to make your job easier, make this kid understand the truth you're trying to tell, the message you have to deliver: don't drink and drive.

You're talking to yourself now: don't drink and drive. You're talking to yourself, but you're talk-


ing to your kid, too. Don't
drink and drive. Here
comes the kid. Don't drink
and drive, and please listen
to me, I know what I'm
talking about, I love you.

Making an agreement

Once you and your teenager have shared information, attitudes, and ideas about drinking and driving, consider making an agreement with him or her concerning specific ways that your family can help avoid a drinking-related accident. For example:

- To avoid being driven home by a drunk friend, can your teenager offer to drive the friend's car home?
- Can he or she ask to spend the night at the party-giver's home, as long as you are notified?
- Can your teenager call you at any hour for a ride home? If any of his or her friends also want to avoid driving home with a drunk person, will you drive them home too?
- If you are not at home or are unable to pick your child up, will you pay for a taxi to bring him or her home?

A few facts

It is important to be well informed to have credibility with your teenager. Young people generally will respect your viewpoint more if they feel you are giving them honest, accurate information. Before talking to your teenager, it may help to have some of the following information at hand:

About Alcohol

- Parents are sometimes falsely reassured by the fact that many teenagers "only drink beer." There is approximately the same amount of al-

cohol in a 12-ounce can of beer, a 5-ounce glass of wine, and a mixed drink containing 1½ ounces of liquor.

- Don't advise your teenager to sober up with hot coffee or cold showers —they won't work. Alcohol continues to circulate in the body until it is burned up by the liver, at the rate of about one drink every 2 hours for a 150-pound person.
- It is dangerous to mix alcohol with any other drug, even over-the-counter preparations such as aspirin and cold pills. When taken within a few hours of each other, alcohol and many other drugs multiply each other's effects, and an overdose can result.

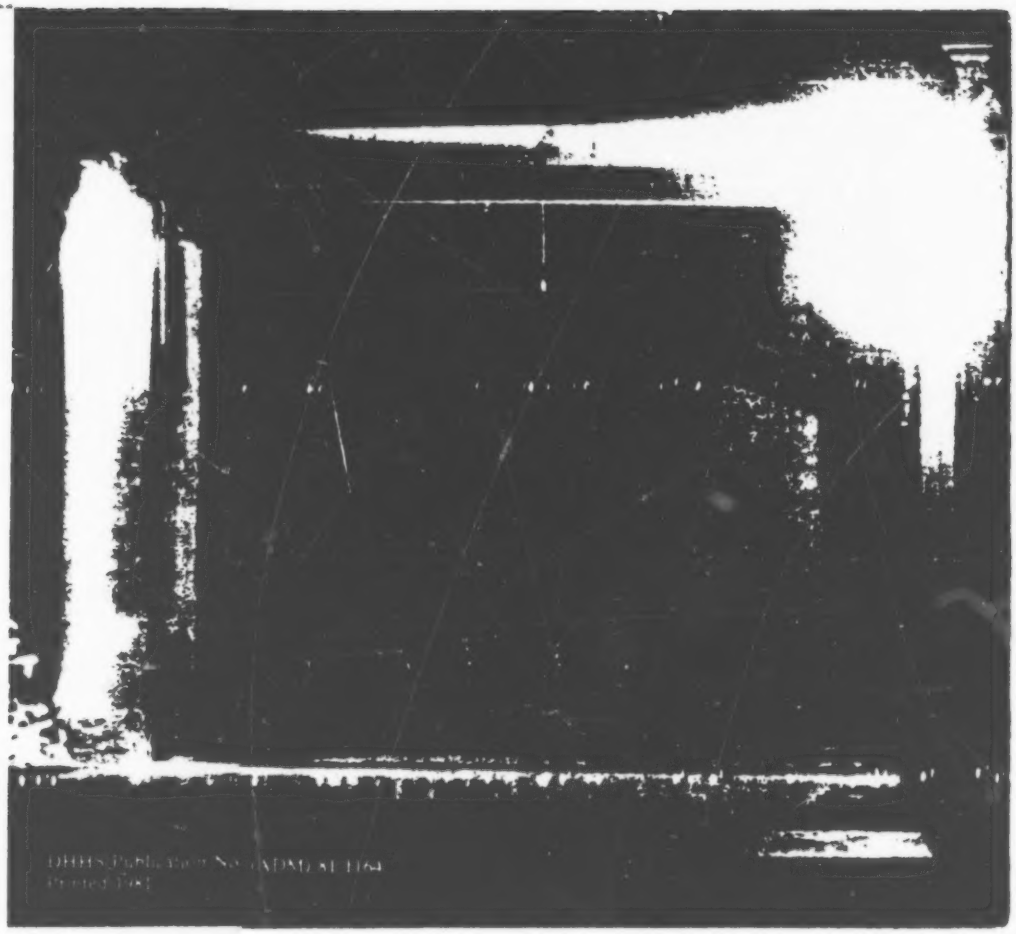
About Drinking and Driving

- Alcohol seriously interferes with judgment, vision, muscle coordination, and reaction time, all of which are crucial to safe driving.
- It is dangerous for a person to rely on whether he or she "feels" like driving home after drinking. Alcohol often gives the illusion of being more powerful and in control than usual.
- Alcohol-involved crashes among youth are likely to occur at night, on weekends, and to involve speeding.
- Nearly as many girls as boys have experienced some kind of problem involving drinking and driving—either as passenger or driver.
- Drunk driving is against the law. If a teenager is apprehended, he may lose his license and incur other penalties, such as higher insurance premiums for several years. Find out about the laws in your community

For more information

To find out about alcohol and highway safety programs in your State, contact your Governor's Highway Safety Representative.

For pamphlets and other materials on youth and drinking, write to NCALI, Box 2345, Rockville, Md. 20852.



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Facts About Wisconsin's Drunk Driving Law . . .

Wisconsin Department of Transportation
Office of Transportation Information/Safety
P.O. Box 7910, Madison, WI 53707

UNDER CHAPTER 20 OF THE 1981-82 STATE BUDGET BILL, WISCONSIN HAS A TOUGH, NEW LAW AGAINST OPERATING A MOTOR VEHICLE WHILE INTOXICATED, REFUSING THE CHEMICAL TEST FOR INTOXICATION, CAUSING INJURY OR DEATH WHILE OPERATING WHILE INTOXICATED, OPERATING WHILE SUSPENDED OR REVOKED FOR OWI-RELATED CONVICTIONS, AND OTHER RELATED OFFENSES.

THIS LEAFLET EXPLAINS THE MAJOR PROVISIONS OF THE NEW LAW. THE CHART ON THE OTHER SIDE SHOWS THE PENALTY PROVISIONS.

It's important to remember that there is no such thing as getting a ticket for drunk driving.

You get arrested. Handcuffed. Booked. Fingerprinted. Put in jail. And that's only the beginning of your problems.

You will lose your driver's license. You must appear in court. It's time consuming, and it's embarrassing.

You need money. A lot of it. For attorney fees, fines, court costs, assessment, treatment, license reinstatement . . . and watch your insurance premiums jump with a drunk driving conviction.

It's a serious charge . . . and an unpleasant experience that will haunt you for a long time.

This leaflet presents the facts. Please consider them carefully. And tell a friend. You'll be doing us all a favor.

WHAT IS DRUNK DRIVING?

The common term is "drunk driving."

Legally it's "operating while under the influence of alcohol or controlled substances or a combination thereof."

For short: OWI.

A blood alcohol concentration (BAC) of .10% is evidence of OWI. So is less than .10% with evidence from the arresting officer. So is driving under the influence of drugs alone . . . or a combination of drugs and alcohol.

Controlled substances (drugs) can include both the illegal (marijuana, LSD, cocaine, heroin), the common street drugs (uppers, downers), even some prescription and over the counter drugs. Combination of drugs and alcohol increases the effects of each individual drug.

WHO GETS ARRESTED FOR OWI?

Almost anybody. Nobody's "typical." All age groups, all income levels. Not just problem drinkers or skid row bums.

Of the approximately 32,500 people convicted of OWI last year, it was the first such conviction on record for about 28,000. Another 3,900 were convicted for the second time, while about 650 were convicted for the third or more time.

About 46 of every 100 drivers arrested for OWI are between the ages of 15 and 25 . . . which makes up only 25 per cent of the drivers. About 84 per cent are men, although in the younger age groups about one in three are female.

The conviction rate is high. About 82 per cent of those arrested for OWI are found guilty as charged.

HOW DID THE OFFICER KNOW?

About one in four arrested have been in an accident.

The rest will have been driving the wrong way on a one-way street, weaving, cutting or swinging wide at corners, driving too fast or too slow, driving without lights or with the dome light on.

Wisconsin law enforcement officers are trained in spotting the clues that say "Drunk Driver Ahead."

PRELIMINARY BREATH TEST

The suspicious officer may ask a driver to blow into a preliminary breath testing (PBT) device. The result may be used as a reason to make an arrest, or to show "probable cause" if an arrest is challenged.

THE "BREATHALYZER BLUES"

It's a popular myth that you can "beat" a drunk driving charge by refusing to take the breath/blood/urine test. Don't believe it!

Under Wisconsin law, one of the conditions you have agreed to in advance whenever you drive a motor vehicle is that you will provide a sample of your breath, blood or urine upon request if you are arrested for drunken driving. This is the meaning of "Implied Consent."

If you refuse, the officer will immediately prepare a notice of intent to revoke, and take possession of your driver's license. You will then have 10 days in which to request a hearing to determine if the refusal was "lawful." The only issues that may be considered at the refusal hearing are whether or not the officer had "probable cause" to believe you were intoxicated, and whether you had been properly placed under arrest before you were asked to take the test.

If the court finds that the officer had probable cause, or that you were under arrest properly, your license will be revoked for six months; you will not even be eligible for an occupational license for at least 15 days. If you refuse the test again within a five-year period, you will receive a longer revocation.

If the officer suspects that you may be under the influence of drugs, you may be requested to submit to a blood test, in addition to the breath test, to determine the presence of drugs.

WHAT ABOUT "OCCUPATIONAL" LICENSES

On a first conviction of OWI, a driver is immediately eligible to apply for an occupational license. On subsequent convictions, application may be made after various waiting periods.

Occupational licenses are not blanket authority to drive whenever and wherever you please. They carry restrictions as to hours of the day, and even prescribed routes, so that the holder may get to and from work. Period.

However, in order to receive an occupational license, you will be required to furnish proof of financial responsibility. That means insurance. You will have to ask your insurance agent to file a form with the Division of Motor Vehicles attesting that you have insurance. Then you will probably be placed in a "high risk" group . . . and watch your insurance rates soar.

And when you get your regular license back after an OWI revocation, you must maintain proof of financial responsibility for *three years.*

SUSPENSIONS, REVOCATIONS AND REINSTATEMENT

The first OWI conviction results in a suspension. Subsequent OWI convictions, as well as implied consent refusals, and causing injury or death by OWI all result in revocations.

Your license will automatically be restored at the end of a suspension period upon payment of the $20 reinstatement fee. Reinstatement after revocation requires payment of a $35 fee, and passing all written and road tests, as well as the vision screening. Proof of identity will be required in the form of a birth certificate.

OWI PROSECUTION

You've probably heard another tall tale about how easy it is for a sharp attorney to get the charges dropped or to plea bargain for a reduced charge.

Under the new law, it's far from "cut and dried."

The new OWI law requires prosecutors to petition the court to ask for approval to dismiss or amend OWI or implied consent refusal charges. In order to grant approval, the court must determine that such requests are consistent with the *intent* of the legislation.

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PENALTIES

CONVICTION	FORFEITURE/FINE	JAIL	LOSS OF LICENSE	ASSESS-MENT	POINTS
1st OWI	$150-$300 (plus $150 surcharge)		3-6 mo. susp.	Yes	6
2nd OWI	$300-$1,000 (plus $150 surcharge)	5 days-6 mo.	6-12 mo. Rev.	Yes	6
3rd or more OWI	$600-$2,000 (plus $150 surcharge)	30 days-1 yr.	1-2 yrs. Rev.	Yes	6
1st refusal chem. test			6 mo. Rev.	Yes	
2nd refusal chem. test *			~~1yr. Rev.~~ 6-12 mo.	Yes	
3rd refusal chem. test *			~~2 yrs. Rev.~~ 30 days-1 yr.	Yes	
Causing Injury while OWI	$300-$2,000 (plus $150 surcharge)	30 days-1 yr.	1-2 yrs.	Yes	6
Causing great bodily harm while OWI	up to $10,000 (plus $150 surcharge)	Up to 2 yrs.	2 yrs.	Yes	
Homicide while OWI	Up to $10,000 (plus $150 surcharge)	Up to 5 yrs.	5 years	Yes	
1st driving after rev/susp. for OWI	$150-$600	Up to 6 mo.	6 mo.		6
2nd driving after rev/susp.	$300-$1,000	10 days-6 mo.	6 mo.		6
3rd driving after rev/susp.	$1,000-$2,000	30 days-9 mo.	6 mo.		6
4th driving after rev/susp.	$1,500-$2,000	60 days-1 yr.	6 mo.		6
5th & Subsequent	$2,000-$2,500	6 mo-1 yr.	6 mo.		6
1st violation of Occupational Lic.	$150-600 forfeiture		6 mo.		6
2nd violation of Occupational License	$300-$1,000 fine	Up to 6 mo.	6 mo.		6
Open Container	$64 (passenger) $120 (driver)				

** Applies to 2 or more refusals or combination of OWI and/or refusals*

ASSESSMENT AND DRIVER SAFETY PLAN

Under the new law, all drivers convicted of OWI, implied consent refusal, or causing injury or death through OWI, must be referred to an approved assessment center.

In the assessment process, the extent of the drinking problem is determined, and a driver safety plan developed. The plan could include one or more of the following: Outpatient counseling; in-patient treatment for up to 30 days; Group Dynamics Traffic Safety School; or Point Reduction Programs.

If you do not comply with the plan, your license will be suspended until you do comply.

RELATED LAWS

It has always been illegal to drink from an open container of alcoholic beverages in a motor vehicle on the highway. The new law adds two new provisions. It is now illegal to have a container with the seal broken on your person (driver or passenger), or to have a container of alcoholic beverages with the seal broken in the passenger compartment. If the vehicle has a trunk, opened containers must be locked in it (not the glove or utility compartment). In vans, pickups and other vehicles without a trunk, opened containers must be carried in an area not normally occupied by passengers.

If you are convicted of driving after revocation on an OWI-related charge, the court may order your vehicle impounded in addition to other penalties that may be imposed.

Wisconsin Department of Transportation and cooperating agencies.

DK

How to talk about drinking & driving

to your teenagers

We all know going out is fun, and no parent wants to take away those good times. But these days, with teenagers in and out of cars so much, it's crucial that they understand the dangers of drinking and driving, and that they can avert potential trouble by making the right decisions.

First, set your son or daughter straight on this often-misunderstood fact: beer, wine and spirits—in excess, all three are just as dangerous on the road.

A good way of avoiding trouble is to plan ahead. Suggest that your teenagers review their evening before going out. If they see drinking involved, far better to leave the car at home than to take chances later behind the wheel.

Far better also to say no to a drink, to refuse to drive, or to turn down a lift with an impaired friend than to go along with the crowd and maybe regret it.

You can support your teenagers and give them confidence by letting them know that if they ever need help you'll go for them, pay their cab or do whatever is necessary to get them home safely.

Most important, be a good example. Never drive if you've had even one drink too many. Better still, don't let it come to that. Know your limit and stay within it.

to your parents

If you're not of legal drinking age, don't touch a drop. But if you are, and you drive, then you're old enough to do your part in reaching an agreement with your parents on the subject.

Sure they worry. Because even if you don't drink, others in your group may. The friend driving you home one night may have had too much.

Show that you're equally concerned. Get serious. For instance, what have you read lately about the dangers of drinking and driving? Do you know how much beer, wine or spirits your body can safely handle before your judgment becomes impaired? Do you know the law in your province? And what happens if you break it?

Get the facts and discuss them calmly. Then take the initiative and propose a few family ground rules.

No driving if you've been drinking beyond your limit. (We'll send you a valuable free chart on responsible limits if you write us.) No riding with a friend who's been drinking. And convince your parents if a situation ever turns dicey, you won't hesitate to phone for help.

Finally, remind your parents you're concerned for their safety, too, and that the family rules on drinking and driving apply to them, as well.

Seagram

We believe in moderation and we've been saying so since 1934.

P.O. Box 947, Stn. H, Montreal, Quebec, H3G 2M9

The party begins.

I can drive when I drink.

2 drinks later.

I can drive when I drink.

After 4 drinks.

I can drive when I drink.

After 5 drinks.

I can drive when I drink.

7 drinks in all.

I can drive when I drink.

The more you drink, the more coordination you lose. That's a fact, plain and simple.

Still, people drink too much and then go out and expect to handle a car.

When you drink too much you can't handle a car. You can't even handle a pen.

The House of Seagram

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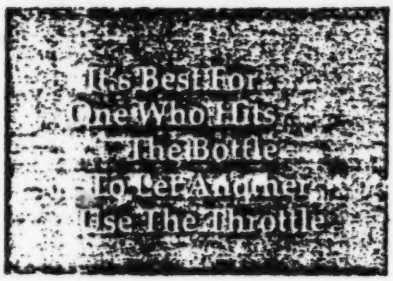
Signs of the Times

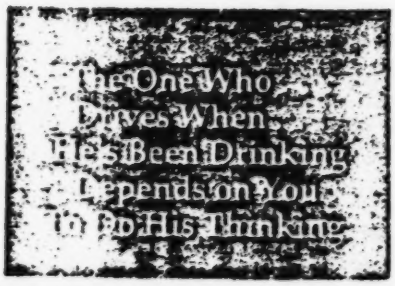
Burma Shave Signs: New Direction for Drunk Drivers

Burma Shave signs, which dotted the nation's highways in witty sequence from the 1920s to the early 1960s, are being revived to fight drunk driving.



The first new sign series, featuring the jingle quoted above and others used in Burma Shave billboards, were installed south of Grand Rapids, Minn., in time for National Drunk and Drugged Driving Awareness Week in December, 1982. Four other jingle series were posted on highways around Grand Rapids.

The Burma Shave-type signs are being offered for sale across the



country by Brann Associates of Brainerd, Minn., whose signmakers are recovered alcoholics.

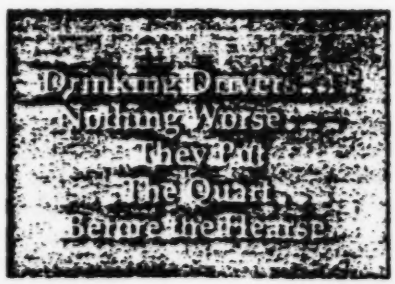
The revival is the brainchild of James Schaefer, director of the Office of Alcohol and Other Drug Abuse Programming at the University of Minnesota. The Blandin Foundation of Grand Rapids funded installation of the signs.

In Minnesota 482 deaths a year occur because of drunk drivers. Nationally, an average of one in 15 cars on the road on weekend evenings holds a drunk driver. They kill 26,000 and injure another 750,000 Americans each year. The bill for alcohol-related car crashes is just over $5 billion annually, Schaefer said.

"If you drink, that's your privilege," Schaefer said. "But if you drink and then get behind the wheel, that behavior becomes the public's business."

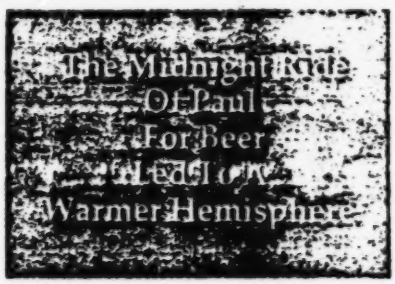
Schaefer and his staff have interviewed nearly 70 Grand Rapids community leaders and, with them, have planned other activities, too, such as launching a telephone hotline for anonymous drunk drivers, selling "I-Love-Sober-Drivers" bumper stickers, running newspaper quizzes and providing radio public service announcements. They also are holding a contest in the schools to choose a jingle for a local highway sign series.

Groups sponsoring these local projects range from the Lions, Jaycees, Kiwanis, and Rotary clubs to an insurance company, local media, a taxi company, Mothers Against Drunk Drivers (MADD) and local bars. "There are no natural enemies to this project within a community," Schaefer said.



The first Burma Shave signs went up in 1927 between Minneapolis and Albert Lea, Minn., according to the last Burma Shave president Leonard Odell, retired and living in the Minneapolis area.

They were the brainchild of his brother Allan, he says, and they successfully launched Burma Shave, which had invented the first brushless shaving cream.



The new signs don't just come in highway-sign sizes; civic groups, businesses and individuals can buy posters or desktop sizes featuring dozens of authentic, adapted and new jingles. Each series will end with the name of the sponsoring group instead of "Burma Shave," a trademark now owned by the American Safety Razor Company. The signs are considered noncommercial and can be placed on highway rights-of-way, with the permission of state highway departments, Schaefer said.